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PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 1084—Legis. 37-49-19, dated Bangalore, 16th February 1950.

Ordered that the accompanying Supreme Court Rules, 1950, published in the *Gazette of India*, dated the 28th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

SUPREME COURT OF INDIA.

NOTIFICATION

New Delhi, the 26th January 1950.

No. F. 10—50-S.C.J.—The following is published for general information :—

THE SUPREME COURT RULES, 1950.

The Supreme Court of India, in the exercise of its rule-making powers, and with the approval of the President, hereby makes the following Rules :—

PART I.

General.

ORDER I.

INTERPRETATION, ETC.

1. These rules may be cited as the Supreme Court Rules, 1950, and shall be deemed to have come into operation on the twenty-sixth day of January, 1950.

2. (1) In these Rules, unless the context otherwise requires—

"Advocate" means a person entitled to appear and plead before the Supreme Court;

"Agent" means an Agent enrolled as such under these rules;

"Chief Justice" means the Chief Justice of India;

"Code" means the Code of Civil Procedure, 1908;

"Constitution" means the Constitution of India;

"Court" and "this Court" mean the Supreme Court of India;

"Judge" means a Judge of the Court;

"Judgment" includes decree, order, sentence or decision of any Court, Judge or Judicial Officer;

"High Court" means—

(i) as respects anything done before the commencement of the Constitution, a High Court within the meaning of Section 219 of the Government of India Act, 1935; and

(ii) as respects anything done or to be done after the commencement of the Constitution, a High Court established by or recognised under the Constitution;

"Party" and all words descriptive of parties to proceedings before the Court (as "appellant", "respondent" "plaintiff", "defendant" and the like) include, in respect of all acts proper to be done by an Agent, the Agent of the party in question, where such party is represented by an Agent;

"Prescribed" means prescribed by or under these Rules;

"Record" in Part II of these Rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court at the hearing of the appeal;

"Registrar" and "Registry" mean respectively the Registrar and Registry of the Court;

"Respondent" includes an intervener;

"Rules of Court" includes the forms appended to these Rules;

"Signed", save in the case of a judgment and decree, includes stamped;

"Taxing Officer" is the Officer of the Court whose duty it is to tax costs.

(2) The General Clauses Act, 1897, applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament;

3. Where by these rules or by any order of the Court, any step is required to be taken in connection with any cause, matter or appeal before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.

4. Where any particular number of days is prescribed by these Rules, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a day on which the offices of the Court are closed, in which case the time shall be reckoned exclusively of that day also and of any succeeding day or days on which the offices of the Court continue to be closed.

ORDER II.

OFFICES OF THE COURT: SITTINGS AND VACATION, ETC.

1. The offices of the Court, except during vacation and on Saturdays and holidays, shall, subject to any order by the Chief Justice, be open daily from 10 A.M. to 4-30 P.M., but no work, unless of an urgent nature, shall be admitted after 4 P.M.

2. The offices of the Court shall, except during vacation, be open on Saturdays from 10-30 A.M. to 1-30 P.M., but no work, unless of an urgent nature, shall be admitted after 12-30.

3. The offices of the Court shall be open during vacation, except on Saturdays and holidays, at such times as the Chief Justice may direct.

4. The Court shall sit in two terms annually, the first commencing from the seventh day of January and ending on the last Friday in May, and the second commencing from the 2nd Monday in September and ending on the 23rd December.

4. The Court shall not ordinarily sit on Saturdays, nor on any other days notified as Court holidays in the *Gazette of India*.

6. A Judge shall be appointed by the Chief Justice before the commencement of each long vacation for the hearing of all matters which may require to be immediately or promptly dealt with and whenever necessary a Division Court may likewise be appointed by the Chief Justice for the disposal of cases during the vacation.

ORDER III.

OFFICERS OF THE COURT, ETC.

1. The Registrar shall have the custody of the records of the Court and shall exercise such other functions as are assigned to him by these Rules.

2. Any person appointed by the Chief Justice to be acting Registrar during the absence of the Registrar, may exercise all the functions assigned to the Registrar by these Rules, and accordingly any references in these Rules to the Registrar shall include references to an acting Registrar.

3. The Chief Justice may assign, and the Registrar may with the approval of the Chief Justice delegate, to a Deputy Registrar or Assistant Registrar any functions required by these Rules to be exercised by the Registrar.

4. The official Seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Registrar.

5. Subject to any general or special directions given by the Chief Justice, the Seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority in writing of the Registrar.

6. The Seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority in writing of the Registrar or of a Deputy Registrar or Assistant Registrar if authorised in that behalf in writing by the Registrar.

7. The Registrar shall keep a list of all cases pending before the Court and shall, subject to these Rules and to any general or special directions given by the Chief Justice, prepare the list of cases ready for hearing and shall cause public notice to be given thereof.

ORDER IV.

ADVOCATES AND AGENTS.

NOTES.—The Rules contained in this Order are subject to revision at the end of a period of two years. The Hon'ble Judges of the Court have under consideration a proposal to abolish the "dual" system.

1. The names of all persons who have heretofore been enrolled as Advocates and Agents of the Federal Court shall, as from the

commencement of these Rules, be deemed to have been transferred to the Rolls of Advocates and Agents, respectively, of the Supreme Court, and such Advocates shall take precedence in the Supreme Court in the order in which they were enrolled in the Federal Court.

2. A person qualified as hereinafter mentioned may apply to be enrolled as an Advocate in the Court and if his application is granted shall, on payment of the prescribed fee, be entitled to be so enrolled and to appear and plead before the Court.

3. The Roll of Advocates shall be in two parts, one containing the names of Senior Advocates and the other the names of other Advocates.

4. A Senior Advocate shall have precedence over other Advocates.

5. A Senior Advocate shall not appear or plead without a junior.

6. A Senior Advocate shall not accept instructions to draw pleadings, affidavits, advice on evidence or to do any drafting work of an analogous kind, but this prohibition shall not extend to settling any such matters as aforesaid in consultation with a junior.

7. An enrolled Advocate may, if otherwise qualified, apply to be enrolled in the list of Senior Advocates and any fee payable by him on enrolment shall be reduced by the amount of the fee paid by him on his original enrolment.

8. A junior appearing with a Senior Advocate or with any other Advocate senior to himself shall be entitled to, and shall be paid, a fee not less than one-third of the fee marked on the brief of the Senior, but this Rule shall not apply in the case of a second junior.

9. A person shall not be entitled to be enrolled as an Advocate unless he possesses :

(1) (*a*) a degree in law of an Indian University ;

or

(*b*) is a member of the English Bar ;

and

(2) has been for not less than ten years in the case of a Senior Advocate or seven years in the case of any other Advocate, enrolled as an Advocate in a High Court or Judicial Commissioner's Court in the territory of India.

The period during which a person was entitled as of right to practise as a vakil or pleader in the High Court of any "Indian State" immediately before his enrolment as an Advocate in the High Court of a State in Part B of the First Schedule to the Constitution may be taken into account for the purpose of calculating the above-mentioned periods of ten years or seven years, as the case may be.

10. The Chief Justice and Judges may, if for any special reason they think it desirable to do so, permit the enrolment of any other person, who is in their opinion sufficiently qualified, as an Advocate, or permit such person to appear as an Advocate in a particular case.

11. No person shall appear as Advocate in any case, unless he is instructed by an Agent.

12. The Roll of Advocates shall be kept by the Registrar and shall contain such particulars as the Court may from time to time require.

13. All Advocates appearing before the Court shall wear such robes and costume as may from time to time be directed by the Chief Justice.

14. The enrolment fee for Senior Advocates shall be Rs. 500, for other Advocates Rs. 250, and for an Agent Rs. 100.

15. The Attorney-General for India, and after him the Advocate-General of a State appearing as such, shall have precedence over all other Advocates in the Court.

16. Among the Advocates-General of the States *inter se* precedence shall be determined with reference to the date of enrolment in their respective High Courts.

17. Subject to the preceding rules of this Order, an Advocate appearing before the Court shall have precedence among the Senior or other Advocates, as the case may be, according to the date of his enrolment as a Senior or other Advocate in the Court.

18. Any question which arises with respect to the precedence of any Advocate-General of a State or an Advocate shall be determined by the Court before which the question arises.

19. A person may apply to be enrolled as an Agent in the Court if he is entitled to practise as an Attorney or Solicitor in any High Court or if, subject to the next succeeding rule, he has been entitled

to appear and plead in a High Court for a period of five years and, if the application is granted, shall, on payment of the prescribed fee, be entitled to be so enrolled.

20. An Agent shall, before enrolment, subscribe before the Registrar a declaration, in such form as the Chief Justice may from time to time direct, undertaking to observe the Rules, regulations, orders and practice of the Court, to pay all fees or charges due and payable in any cause, matter or appeal in the Court, and not, so long as his name remains on the Roll of Agents, to appear or plead before any High Court, save, in the case of an Attorney or Solicitor, to the extent that he is allowed to do so under the Rules of the High Court in which his enrolment as Attorney or Solicitor took place.

21. Every applicant for enrolment as Advocate or Agent shall produce the following documents :—

(i) a copy of his enrolment certificate in his own High Court duly authenticated by the Registrar of the High Court.

(ii) a certificate from the Registrar of the High Court that he is still an Attorney/Solicitor/Advocate of that High Court,

(iii) a certificate of character obtained from the Attorney-General for India, or the Advocate-General of the State concerned, or a Judge of the High Court of the State.

22. Every Agent shall notify to the Registrar the address of his office in Delhi and of any change of address, and any notice, writ, summons or other document served on the Agent at the address notified by him shall be deemed to have been properly served.

23. An Agent who wishes to have his name removed from the Roll of Agents shall apply by petition, verified by affidavit, stating the date of his enrolment as an Agent, the reason why he wishes his name to be removed, that no application or other proceeding in any Court is pending against him or is anticipated by him, and that no fees are owing to the Court for which he is personally responsible.

24. Every Agent shall before acting on behalf of any person or party file in the Registry a power-of-attorney duly executed in the prescribed form authorising him to act.

25. No person having an Agent on the record shall file a power or warrant of attorney authorising another Agent to act for him in the same case save with the consent of the former Agent or by leave of a

Judge, unless the former Agent is dead, or is unable by reason of infirmity of mind or body to continue to act.

26. No Agent may, without the leave of the Court, withdraw from the conduct of any case by reason only of the non-payment of costs by his client.

27. No person having an Agent on the record shall be heard in person save by special leave of the Court.

28. No Agent shall authorise any person whatsoever, except another Agent, to practise or do any act whatsoever in his name in any case.

29. Where a party changes his Agent, the new Agent shall give notice of the change to all other parties appearing.

30. No Advocate shall act as Agent nor Agent as Advocate in any circumstances whatsoever.

31. Where on the complaint of any person or otherwise, the Court is of opinion that an Advocate has been guilty of misconduct or of conduct unbecoming an Advocate, the Court may suspend him from practising before the Court either permanently or for such period as the Court may think fit, and the Registrar of the Court shall thereupon report his name to his own High Court.

32. Where on the complaint of any person or otherwise, the Court is of opinion that an Agent has been guilty of misconduct or has committed a breach of the undertaking subscribed by him, the Court may suspend him from practising before the Court for such period as the Court may determine, or may direct his name to be struck off the Roll of Agents, and the Registrar of the Court shall thereupon report his name to his own High Court.

33. For the purpose of the last two preceding rules the Court shall in the first instance direct a summon to issue returnable before the Court or before a Special Bench to be constituted by the Chief Justice, requiring the Advocate or Agent, as the case may be, to show cause against the matters alleged in the summons, and the summons shall, if possible, be served personally upon him with copies of any affidavit or statement before the Court at the time of the issue of the summons.

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ORDER V.

BUSINESS IN CHAMBERS.

1. The powers of the Court in relation to the following matters may be exercised by the Registrar :—

(1) Applications for discovery and inspection.

(2) Applications for delivery of interrogatories.

(3) Applications for substituted service.

(4) Applications for time to plead, for production of document and generally relating to the conduct of cause, appeal or matter.

(5) Applications for leave to take documents out of the custody of the Court under rule 5 of Order IX.

(6) Disputes arising in connection with the payment of Court-fees.

(7) Applications by outsiders for return of exhibits.

2. The powers of the Court in relation to the following matters may be exercised by a single Judge sitting in Chambers :—

(1) Applications for revivor or substitution.

(2) Approval of Special Translator or Special Interpretor.

(3) Applications for production of documents outside Court premises.

(4) Applications for change of Agent.

(5) Applications by Agents for leave to withdraw.

(6) Applications for leave to compromise or discontinue pauper appeals.

(7) Applications for striking out or adding party.

(8) Applications for separate trials of causes of action.

(9) Applications for separate trials to avoid embarrassment.

(10) Rejection of plaint.

(11) Applications for setting down for judgment in default of written statement.

(12) Applications for better statement of claim or defence.

(13) Applications for particulars.

(14) Applications for striking out any matter in a pleading.

(15) Applications for amendment of pleading and for enlargement of time to amend.

(16) Applications to withdraw suits.

(17) Applications for payment into Court.

(18) Applications for payment out of Court of money or security, or interest or divided on securities.

(19) Applications to tax bills returned by the Taxing Officer.

(20) Applications for costs of taxation where one-sixth is taxed off.

(21) Applications for review of taxation by Court.

(22) Applications for enlargement or abridgement of time.

(23) Applications for issue of commissions.

(24) Applications for security for costs.

(25) Applications for assignment of Security Bonds.

(26) Applications for enforcing payment of costs under directions of Registrar.

(27) Applications for extending returnable dates of warrants.

(28) Applications for orders against clients for payment of costs and for delivery by an Agent of documents and papers.

(30) Applications for enrolment of Advocates and Agents.

(31) Applications by Agents for removal of their names from the Roll of Agents.

(32) Applications for grant of bail.

(33) Applications for stay of execution of a sentence or order in criminal proceedings.

(34) Applications for stay of execution of decree or order in civil matters during vacation.

(35) Certifying of cases as fit for employment of Advocate.

3. An appeal shall lie from the Registrar in all cases to the Judge in Chambers:

Provided that it is filed within fifteen days from the date of the order complained of.

4. The Registrar may, and if so directed by the Judge in Chambers shall, at any time adjourn any matter to the Judge in Chambers, and the Judge in Chambers may at any time adjourn any matter into Court.

ORDER VI

NOTICES OF MOTION.

1. Except where otherwise provided by statute or prescribed by these Rules, all applications which in accordance with these Rules eannot be made in Chambers shall be made on motion after notice to the parties affected thereby, but the Court where satisfied that the delay caused by notice would or might entail serious hardship, may make any order *ex parte* upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court may think just, and any party affected by the order may move to have it set aside.

2. A notice of motion shall be intituled in the suit or matter in which the application is intended to be made and shall state the time and place of application and the nature of the order asked for and shall be addressed to the party or parties intended to be affected by it, unless they have an Agent on record, in which case it may be addressed to the Agent, and shall be signed by the Agent of the party moving, or by the party himself where he acts in person.

3. Save by leave of the Court, there shall be at least five days between service of notice or motion and the day named for bringing on the motion.

4. The notice of motion, together with the affidavit or affidavits of service and the affidavit in support thereof shall be filed in the Registry immediately after service of notice, but not less than four days before the day named for bringing on the motion, and affidavits in answer or reply shall be filed in the Registry during office hours not later than 4 P.M. on the day preceding the day of the hearing.

5. Leave to give short notice of motion may be obtained *ex parte* from the Court and the provisions in the last preceding rule as to the filing of notice of motion and affidavit shall apply, save that they shall be filed not later than the next day after service of the motion.

6. Notice shall be given to the other party or parties of all grounds intended to be urged in support of, or in opposition to, any motion.

7. Save by leave of the Court, no affidavit in support of the application beyond those specified in the notice of motion, nor any affidavit in answer or reply filed later than the time prescribed in these Rules shall be used at the hearing or allowed on taxation.

8. Unless otherwise ordered the costs of a motion in a suit or proceeding shall be treated as costs in that suit or proceeding.

ORDER VII

DOCUMENTS

1. The officers of the Court shall not receive any pleading, petition, affidavit or other document, except original exhibits and certified copies of public documents, unless it is fairly and legibly transcribed on one side of standard petition paper, demy-foolscap size, or paper which is ordinarily used in the High Courts for transcribing such documents.

2. No document in a language other than English shall be accepted for the purpose of any proceedings before the Court, unless translated in accordance with these Rules.

3. Every document required to be translated shall be translated by a translator nominated or approved by the Court.

4. Every translator shall, before acting, made an oath of affirmation that he will translate correctly and accurately all documents given to him for translation.

5. The Registrar may decline to receive any document which is presented otherwise than in accordance with the Rules of the Court.

ORDER VIII

AFFIDAVITS

1. The Court may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party *bona fide* desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

2. Upon any application evidence may be given by affidavit; but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent, and such attendance

shall be in Court, unless the deponent is exempted from personal appearance in Court or the Court otherwise directs.

3. Every affidavit shall be intituled in the cause, appeal or matter in which it is sworn.

4. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statement of his belief may be admitted, provided that the grounds thereof are stated.

6. The costs occasioned by any unnecessary prolixity in the title to an affidavit or otherwise shall be disallowed by the Taxing Officer.

7. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, if made within the State of Delhi, and if made elsewhere shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

8. Affidavits for the purposes of any cause, appeal or matter before the Court may be sworn before any authority mentioned in section 139 of the Code or before the Registrar of this Court, or before a Commissioner generally or specially authorised in that behalf by the Chief Justice.

9. Where the deponent is a *purdahnashin* lady she shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

10. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, matter or appeal and shall be initialled and dated by the authority before whom it is sworn.

11. No affidavit having any interlineation, alteration or erasure shall be filed in Court unless the interlineation or alteration is initialled, or unless in the case of an erasure the words or figures written on the erasure are rewritten in the margin and initialled, by the authority before whom the affidavit is sworn.

12. The Registrar may refuse to receive an affidavit where in his opinion the interlineations, alterations or erasures are so numerous as to make it expedient that the affidavit should be rewritten.

13. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used except by leave of the Court.

14. In this Order "Affidavit" includes a petition or other document required to be sworn and "sworn" shall include "affirmed".

ORDER IX

Inspection, Search, Etc.

1. Subject to the provisions of these Rules, a party to any cause, appeal or matter who has appeared shall be allowed to search, inspect or get copies of all pleadings and other documents or records in the case, on payment of the prescribed fees and charges.

2. The Court, at the request of a person not a party to the cause, matter or appeal, may on good cause shown allow such search or inspection or grant such copies as is or are mentioned in the last preceding rule, on payment of the prescribed fees and charges.

3. A search or inspection under the last two preceding rules during the pendency of a cause, matter or appeal, shall be allowed only in the presence of an officer of the Court and after twenty-four hours' notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.

4. Copies required under any of the preceding rules of this Order may be certified as correct copies by any officer of the Court authorised in that behalf by the Registrar.

5. No record or document filed in any cause, appeal or matter shall, without the leave of the Court, be taken out of the custody of the Court.

ORDER X

JUDGMENTS, DECREES AND ORDERS

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their Agents, and the decree or order shall be drawn up in accordance therewith.

2. A member of the Court may read judgment signed by another member.

3. Subject to the provisions contained in Order XXXVIII, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

4. Certified copies of the judgment, decree or order shall be furnished to the parties on application to the Court, and at their expense.

5. Every decree passed or order made by the Court shall be drawn up in the Registry and be signed by the Registrar and sealed with the Seal of the Court, and shall bear the same date as the judgment in the suit or appeal.

6. The decree passed or order made by the Court in every appeal, and any order for costs in connection with the proceedings therein, shall be transmitted by the Registrar to the Court or tribunal from which the appeal was brought, and steps for the enforcement of such decree or order shall be taken in that court or tribunal in the way prescribed by law.

7. Orders made by the court in other proceedings, and any orders made as to the costs of, and incidental to, such proceedings, shall be transmitted by the Registrar to the Judicial or other authority concerned and steps for the enforcement of such orders shall be taken by that authority in the way prescribed by law.

8. In cases of doubt or difficulty with regard to a decree or order made by the Court, the Registrar shall, before issuing the draft, submit the same to the Judge in Chambers.

9. Where a draft of any decree or order is required by the parties to be settled in their presence, the Registrar shall, by notice

in writing, appoint a time for settling the same and the parties shall attend the appointment and produce their briefs and such other documents as may necessary to enable the draft to be settled.

10. Where any party is dissatisfied with the decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

ORDER XI

Constitution of Division Courts

1. Subject to the other provisions of these Rules, every cause, appeal or matter shall be heard by a Bench consisting of not less than three Judges nominated by the Chief Justice.

2. Where in the course of the hearing of any cause, appeal or other proceeding, the Bench considers that the matter should be dealt with by a larger Bench, it shall refer the matter to the Chief Justice, who shall thereupon constitute such a Bench for the hearing of it.

PART II

Appellate Jurisdiction

ORDER XII

Civil Appeals

Appeal on certificate by High Court

1. Subject to any special directions which the Court may give in any particular case, the provisions of Order XLV of the Code, so far as may be applicable, and of any rules made for the purpose by the High Court concerned, shall apply in relation to appeals preferred under Articles 132 (1), 133 (1) and 135 of the Constitution.

2. An appellant who has obtained a certificate from the High Court may, at any time prior to the making of an order admitting the appeal, withdraw the appeal on such terms as to costs and otherwise as the High Court may direct.

3. Where an appellant, having obtained a certificate from the High Court, fails to furnish the security or make the deposit required, that Court may, on its own motion, or on application in that behalf made by the respondent, cancel the certificate and may give such directions as to the costs of the appeal and the security entered into by the appellant as it shall think fit or make such further or other order as the justice of the case requires.

4. Where an appellant whose appeal has been admitted desires, prior to the dispatch of the Record to this Court, to withdraw his appeal, the High Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without an express order of this Court, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the High Court may think fit to direct.

5. Where an appellant whose appeal has been admitted fails to show due diligence in taking all necessary steps in connection with the preparation of the Record, the High Court may, either on its own motion, or on the application of the respondent, call upon the appellant to show cause why a certificate should not be issued that the appeal has not been effectually prosecuted by the appellant, and if the High Court sees fit to issue such a certificate, the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without an express order of this Court, and the costs of the appeal on such terms as to costs and otherwise as the High Court may direct, such manner as the High Court thinks fit to direct.

6. Where there are two or more appeals arising out of the same matter, and the High Court is of the opinion that it would be for the convenience of this Court and all parties concerned that the appeals should be consolidated, the High Court may direct the appeals to be consolidated and make such order for security of costs as the justice of the case requires.

7. The liability of the parties to pay court-fee in this Court, unless otherwise ordered, shall not be effected by any order for consolidation of appeals made by the High Court or by this Court.

ORDER XIII

APPEALS BY SPECIAL LEAVE

1. A petition for special leave to appeal shall be lodged in the Court within three months from the date of the refusal of leave to appeal by the High Court, or within three months from the date of the judgment or order sought to be appealed from;

Provided that the Court may for sufficient cause shown extend the time.

2. The petition shall state succinctly and clearly all such facts as it may be necessary to state in order to enable the Court to determine whether such leave ought to be granted, and shall be signed by an Advocate.

3. The petitioner shall lodge at least ten copies of his petition, together with a certified copy of the judgment sought to be appealed from and the affidavit in support thereof prescribed by rule 4 of Order XVII.

4. Unless a caveat as prescribed by rule 2 of Order XVII has been lodged by the other parties who appeared in the court below, the petitioner shall also lodge an affidavit of service of notice of the intended application upon such parties, or their agents, and, on demand, shall furnish to such parties, at their expense, copies of all or any of the documents filed by him in the Court.

5. In urgent cases, when the Court is in vacation, an application for special leave to appeal may be heard and disposed of by a single Judge.

6. Where the Court grants special leave to appeal, it may in its order specify the amount of the security for costs (if any) to be lodged by the petitioner, and the time within which such security is to be lodged, and, unless the circumstances of a particular case render such a course unnecessary, provide for the expeditious transmission of the printed Record by the Registrar of the Court concerned or by other authority, to the Registrar of this Court and for such further matters as the justice of the case may require. Unless the Court specially directs otherwise, any security for costs to be furnished by the petitioner shall be lodged in the court or tribunal from whose judgment or decision special leave to appeal has been granted, and that court or tribunal shall deal with such security in accordance with the directions contained in the order of the Court when determining the appeal.

7. After the grant of special leave to appeal by the Court, the Registrar shall transmit a certified copy of the order to the Court or tribunal appealed from.

8. On receipt of the said order, the court or tribunal appealed from shall, in the absence of any special directions in the order act in accordance with the provisions contained in Order XLV of the Code, so far as applicable.

9. Where the appellant who has obtained special leave to appeal by an order of this Court, fails to have the printed Record transmitted to the Registrar of this Court with due diligence, the Registrar of this Court shall call upon the appellant to explain his default, and if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may issue a summons to the appellant calling upon him to show cause before this Court at a time to be specified in the said summons why the special leave to appeal granted should not be rescinded. The respondent shall be entitled to be heard before this Court in the matter of the said summons and to ask for his costs and such other relief as he may be advised. The Court may, after considering the matter of the said summons, rescind the grant of special leave to appeal, or give such other directions therein as the justice of the case may require.

10. Where security is required to be furnished in this Court, it shall be given to the Registrar or to such other officer as the Court may specially direct, and the Court may permit or order him to assign the same to any other person for the purpose of enforcing it upon such terms as the Court may think fit.

11. Where the appellant has lodged security for the respondent's costs of an appeal in the Registry of the Court, the Registrar shall deal with such security in accordance with the directions contained in the Court's order determining the appeal.

12. Save as otherwise provided by the rules contained in this Order, the provisions of Order XII and Orders XV to XX shall apply *mutatis mutandis* to petitions for special leave to appeal.

ORDER XIV.

Special Leave to Appeal *in forma pauperis*.

1. A petition for special leave to appeal as a pauper shall be made to the Court.

2. The rules contained in Order XIII shall apply *mutatis mutandis* to petitions for special leave to appeal in *forma pauperis*, but in addition to the affidavit referred to in rule 3 of the said Order every such petition shall be accompanied by an affidavit from the petitioner stating that he is not entitled to property worth Rs. 100 other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal, and that he is unable to provide sureties and pay court fees, and also by a certificate of counsel that the petitioner has reasonable ground of appeal.

3. Where a petitioner obtains special leave of the Court to appeal in *forma pauperis*, he shall not be required to pay court fees or to lodge security for the costs of the respondent.

4. In granting or refusing special leave to appeal as a pauper, the Court shall ordinarily follow the principles set out in the proviso to r. 1 of Order XLIV of the Code.

5. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of court fees which would have been paid by the appellant if he had not been permitted to appeal as a pauper and incorporate it in the decree or order of the Court; such amount shall be recoverable by the Government of India from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of the appeal.

6. Where the appellant fails in the appeal or is dispaupered, the Court may order the appellant to pay the court fees which would have been paid by him if he had not been permitted to appeal as a pauper.

7. The Government of India shall have the right at any time to apply to the Court to make an order for the payment of court fees under rules 5 and 6 above.

8. All matters arising between the Government of India and any party to the appeal under the three preceding rules shall be deemed to be questions arising between the parties to the appeal.

9. In every pauper appeal the Registrar shall, after the disposal thereof, send to the Attorney-General for India a memorandum of the Court fees payable by the pauper.

10. No appeal begun or carried on by a pauper appellant shall be compromised or discontinued without the leave of the Court.

ORDER XV.

PREPARATION OF RECORD, ETC.

1. As soon as the appeal has been admitted, whether by an order of the court appealed from or by an order of this Court granting special leave to appeal, the appellant shall, without delay, take all necessary steps to have the printed Record transmitted to the Registrar of this Court, and the Registrar of the court appealed from shall, with all convenient speed, certify to the Registrar of this Court that the respondent has received notice or is otherwise aware, of the order of the court appealed from admitting the appeal, or of the order of this Court giving the appellant special leave to appeal.

2. Whenever the decision of the appeal is likely to turn exclusively on a question of law, the appellant may, with the sanction of the court appealed from print such parts only of the Record as may be necessary for the discussion of the same.

3. The Registrar of the Court appealed from, as well as the parties and their agents shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be printed shall be enumerated in a typewritten list to be transmitted with the Record.

4. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the Record, as finally printed shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

5. The Record shall be prepared and printed under the supervision of the court appealed from in accordance with the rules contained in First Schedule hereto, and the parties may submit any disputed question arising in connection therewith to the decision of that court, and it shall give such directions thereon as the justice of the case may require.

6. When the Record has been made ready, the Registrar of the court appealed from shall—

(i) at the expense of the appellant transmit to the Registrar of this Court such number of copies as the Court may direct, or, in the absence of any special direction in this behalf, 25 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the Seal of the court appealed from;

(ii) give notice of the dispatch of the Record to the parties; and

(iii) send to the Registrar of this Court a certificate as to the date or dates on which the notice under the preceding sub-clause (ii) has been served.

7. As soon as the Record is received in the Registry of this Court, it shall be registered in the said Registry with the date of arrival, and the names of the parties. Appeals shall be numbered consecutively in each year in the order in which the Records are received in the Registry.

8. The parties shall be entitled to inspect the Record and to extract all necessary particulars therefrom for the purpose of entering an appearance.

9. Each party who has entered an appearance shall be entitled to receive, for his own use, four copies of the Record.

10. Subject to any special direction from the Court to the contrary, the costs of, and incidental to, the printing of the Record shall form part of the costs of the appeal, but the costs of, and incidental to, the printing of any document objected to by one party, in accordance with rule 4 above, shall if such document is found, on the taxation of costs, to be unnecessary or irrelevant, be disallowed to, or borne by, the party insisting on including the same in the Record.

ORDER XVI.

Appellant's Appearance and Lodging of Petition of Appeal.

1. The appellant shall enter an appearance before taking any step in the prosecution of the appeal, and after entering such appearance shall forthwith give notice thereof to the respondent.

2. The appellant shall lodge his petition of appeal within a period of 30 days from the date of the service of notice of dispatch of the Record by the Registrar of the court appealed from.

3. The petition of appeal shall be lodged in the form prescribed by rule 1 of Order XVII hereinafter contained. It shall recite succinctly and, as far as possible, in chronological order, the principal steps in the proceedings leading up to the appeal from the commencement thereof down to the admission of the appeal, but shall not contain argumentative matter or travel into the merits of the case.

4. Where a party desires to appeal on grounds which can be raised only with the leave of the Court the petition of appeal shall be accompanied by a separate petition indicating the groeunds so proposed to be raised and praying for special leave to appeal on those grounds, and the petition for special leave to appeal shall, unless the Court otherwise directs, be heard at the same time as the appeal.

5. The appellant shall, after lodging his petition of appeal, serve a copy thereof without delay on the respondent, as soon as the latter has entered an appearance, and shall endorse such copy with the date of the lodgment.

WITHDRAWAL OF APPEAL.

6. Where an appellant, who has not lodged his petition of appeal, desires to withdraw his appeal, he shall give notice in writing to that effect to the Registrar of this Court, and the said Registrar shall, with all convenient speed after receipt of such notice, by letter notify the Registrar of the court appealed from that the appeal has been withdrawn. The said appeal shall thereupon stand dismissed as from the date of the said letter without further order, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the court appealed from may think fit to direct.

7. Where an appellant, who has lodged his petition of appeal, desires to withdraw his appeal, he shall present a petition to that effect to the Court. On the hearing of any such petition a respondent may apply to the Court for his costs.

NON-PROSECUTION OF APPEAL: CHANGE OF PARTIES.

8. If an appellant fails to take any steps in the appeal within the time fixed for the same by these Rules, or if, no time is specified, it appears to the Registrar that he is not prosecuting his appeal with

due diligence, the Registrar shall call upon him to explain his default and, if no explanation, or no explanation which appears to the Registrar to be sufficient, is offered, he may issue a summons calling upon him to show cause to the Court why the appeal should not be dismissed for want of prosecution.

9. The Registrar shall send a copy of the summons mentioned in the last specified rule to every respondent who has entered an appearance.

10. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

11. An appellant whose appeal has been dismissed for non-prosecution may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent, restore the appeal if good and sufficient cause is shown putting the appellant on terms as to costs or otherwise as it thinks fit or pass such other order as the circumstances of the case and the ends of justice may require.

12. Where at any time between the admission of an appeal and the dispatch of the Record to this Court, the Record becomes defective by reason of the death, or change of status, of a party to the appeal, or for any other reason, the court appealed from may, notwithstanding the admission of the appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the said Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status, or in regard to whom a representation has been made, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express order of this Court.

13. If, in the opinion of the Court appealed from, there has been undue delay in making this application, the said court may order the appellant, or the party interested, to take all necessary steps to perfect the Record within such time as the said court may direct, and, if he fails to comply with such order, the said court may call upon him to show cause why a certificate should not be issued that the appeal has not been prosecuted, and if the said court sees fit to issue such a certificate the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express order of this Court, and the costs of the appeal and the

security entered into by the appellant shall be dealt with in such manner as the court appealed from may think fit to direct.

19. Where the Record subsequently to its dispatch to this Court becomes defective by reason of the death, or change of status, of a party to the appeal, or for any other reason, the Court appealed from shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of this Court showing who, in the opinion of the Court appealed from, is the proper person to be substituted, or entered on the Record, in place of, or in addition to, the party who has died or undergone a change of status, or in regard to whom a representation has been made. If in the opinion of the court appealed from, there has been undue delay in making this application, the said court may order the appellant, or the party interested, to take all necessary steps to perfect the Record within such time as the said court may direct, and if he fails to comply with such order, the said court shall report the matter to the Registrar of this Court.

15. A petition for an Order of Revivor or Substitution shall be accompanied by a certificate from the court appealed from showing who, in the opinion of the said court, is the proper person to be substituted, or entered, on the Record in place of, or in addition to the party on record.

APPEARANCE BY RESPONDENT.

16. The respondent may enter an appearance at any time between the transmission of the Record by the court appealed from and the expiry of the period covered by the "Case Notice" given to him by the appellant under rule 6 of Order XVIII.

17. The respondent shall forthwith after entering an appearance given notice thereof to the appellant.

18. When there are two or more respondents, and only one, or some, of them enter an appearance, the appearance Form shall set out the names of the appearing respondents.

19. Two or more respondents may, at their own risk as to costs, enter separate appearances in the same appeal.

20. A respondent who has not entered an appearance shall not be entitled to receive any notices relating to the appeal from the Registrar of the Court, nor be allowed to lodge a Case in the appeal.

21. Where a respondent fails to enter an appearance in an appeal, the following rules shall, subject to any special order of the Court to the contrary, apply.

(*a*) If the non-appearing respondent was a respondent at the time when the appeal was admitted, whether by an order of the court appealed from or by an order of this Court giving the appellant special leave to appeal, and it appears from the terms of the said order, or otherwise from the Record, or from a certificate of the Registrar of the court appealed from, that the said non-appearing respondent has received notice, or was otherwise aware of the order of the court appealed from admitting the appeal, or of the order of this Court giving the appellant special leave to appeal, and has also received notice, or was otherwise aware, of the dispatch of the Record to this Court, the appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing respondent at any time after the expiration of sixty days from the date of the lodging of the petition of appeal;

(*b*) If the non-appearing respondent was made a respondent by an order of this Court subsequent to the admission of the appeal, and it appears from the Record, or from a Supplementary Record, or from a certificate of the Registrar of the Court appealed from, that the said non-appearing respondent has received notice, or was otherwise aware of any intended application to bring him on the record as a respondent, the appeal may, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the said non-appearing respondent at any time after the expiration of sixty days from the date on which he shall have been served with a copy of the order of this Court bringing him on the Record as a respondent:

Provided that where it is shown to the satisfaction of the Registrar of this Court, by affidavit or otherwise, either that an appellant has made every reasonable endeavour to serve a non-appearing respondent with the notices mentioned in clauses (*a*) and (*b*) respectively and has failed to effect such service or that it is not the intention of the non-appearing respondent to enter an appearance to the appeal, the appeal may, without further order in that behalf, and at the risk of the appellant, be proceeded with *ex parte* as against the said non-appearing respondent.

ORDER XVII.

PETITIONS GENERALLY.

All petitions shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, typewritten or lithographed on one side of standard petition paper, demy foolscap

size, or on paper ordinarily used in High Courts for transcribing petitions, with quarter margin, and endorsed with the name of the court appealed from, the full title and Supreme Court number of the appeal to which the petition relates, or the full title of the petition (as the case may be) and the name and address of the Agent (if any) of the petitioner. Unless the petition is a Consent Petition within the meaning of rule 8 at least ten copies thereof shall be lodged.

2. Where a petition is expected to be lodged, or has been lodged, which does not relate to any pending appeal of which the Record has been registered in the Registry of this Court, any person claiming a right to appear before this Court on the hearing of such petition may lodge a Caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the Caveat such petition has not yet been lodged, and, if and when the petition has been lodged, to require the petitioner to serve him with a copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The Caveator shall forthwith, after lodging his Caveat, give notice thereof to the petitioner, if the petition has been lodged.

3. Where a petition is lodged in the matter of any pending appeal of which the Record has been registered in the Registry of this Court, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition not relating to any appeal of which the Record has been registered in the Registry of this Court, and any other petition containing allegations of fact which cannot be verified by reference to the registered Record or any certificate or duly authenticated statement of the court appealed from, shall be supported by affidavit. Where the petitioner prosecutes his petition in person, the said affidavit shall be sworn by the petitioner himself and shall state that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true. Where the petitioner is represented by an Agent, the said affidavit may be sworn by such Agent and shall besides stating that, to the best of the deponent's knowledge, information and belief, the allegations contained in the petition are true, show how the deponent obtained his instructions and the information enabling him to present the petition.

5. The Registrar may refuse to receive a petition on the grounds that it discloses no reasonable cause of appeal, or is frivolous, or contains scandalous matter but the petitioner may appeal, by way of motion, from such refusal to the Court.

6. As soon as a petition and all necessary documents are lodged, the petition shall thereupon be deemed to be set down.

7. Subject to the provisions of the next following rule, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify all parties concerned of the day so appointed.

8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non-contentious character, the Court may, if it thinks fit, make an order thereon, without requiring the attendance of the parties, and the Registrar shall not in any such case issue notice as provided by the last preceding rule, but shall, with all convenient speed, after the Court has made its order, notify the parties that the order has been made and of the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed, the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the petition may, if the Court think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of the last preceding rule.

10. Where a petitioner unduly delays bringing a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all interested parties, place the petition before the Court for such directions as the Court may think fit to give thereon.

11. At the hearing of a petition not more than one counsel shall be heard on a side.

ORDER XVIII.

Lodging of Case and Subsequent Proceedings.

1. No party to an appeal shall be entitled to be heard by the Court unless he has previously lodged his Case in the appeal; nor shall he be allowed to inspect the Case of the opposite party or obtain a copy thereof from the Registry until he has lodged his own case:

Provided that where a respondent who has entered an appearance does not desire to lodge a Case in the appeal, he may give the Registrar of the Court notice in writing of his intention not to lodge any Case, while reserving his right to address the Court on the question of costs.

2. Each party shall lodge not less than twelve copies of his Case, printed or neatly typed with quarter margin, on one side of paper of the same size and quality as that used in the printing of the Record in the Court below.

3. The case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, so far as practicable, be printed or typed in the margin, and care shall be taken to avoid, as far as possible, the reproducing in the Case of long extracts from the Record. The Taxing Officer in taxing the costs of the appeal shall, either of his own motion, or at the instance of the opposite party enquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

4. Two or more respondents may, at their own risk as to costs, lodge separate Cases in the same appeal.

5. Each party shall, after lodging his Case, forthwith give notice thereof to the other party.

6. Subject as hereinafter provided, the party who lodges his Case first shall within three clear days from the date on which he has given the other party the notice prescribed by the last preceding rule, serve such other party if the latter has not in the meantime lodged his Case with a "Case Notice" requiring him to lodge his Case within thirty days from the date of the service of the said Case Notice and informing him that, in default of his so doing, the appeal will be set down for hearing *ex parte* as against him, and if the other

party fails to comply with the said Case Notice, the party who has lodged his Case may, at any time after the expiration of the time limited by the said Case Notice for the lodging of the Case, lodge an affidavit of service (which shall set out the terms of the said Case Notice), and the appeal shall thereupon, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the party in default.

Provided that no Case Notice shall be served until after the transmission of the Record by the Court appeal from

7. Subject to the provisions of rule 21 of Order XVI and of the last preceding rule, an appeal shall be set down *ipso facto* as soon as the Cases on both sides are lodged, and the parties shall thereupon exchange the Cases by handing one another, either at the offices of one of the Agents or in the Registry of the Court, six copies of their respective Cases.

8. As soon as an appeal is set down, the appellant shall attend at the Registry and obtain ten copies of the Record and Cases to be bound for the use of the Court at the hearing. The copies shall be bound in cloth or in one-fourth leather with paper sides, and six leaves of blank paper shall be inserted before the appellant's case. The front cover shall bear a printed label stating the title and Supreme Court number of the appeal, the contents of the volume, and the names and addresses of the Agents. The several documents, indicated by incuts, shall be arranged in the following order.

1. Appellant's case;
2. Respondent's cases;
3. Record (if in more than one part, showing the separate parts by incuts, all parts being paged at the top of the page);
4. Supplemental Record (if any); and the short title and Supreme Court number of the appeal shall also be shown on the back.

9. The appellant shall lodge the bound copies not less than ten clear days before the date fixed for the hearing of the appeal.

ORDER XIX.

HEARING OF APPEALS.

1. All appeals filed in the Registry shall, as far as possible, be heard in the order in which they are set down.

2. The Registrar shall, subject to the provisions of rule 20 of Order XVI, notify the parties to the appeal of the day fixed for the hearing.

3. Subject to the directions of the Court, at the hearing of an appeal not more than two Advocates shall be heard on a side.

4. The appellant shall not, without the leave of the Court, rely at the hearing on any grounds not specified in the petition or the case filed by him.

5. Where the Court, after hearing an appeal, decides to reserve its judgment thereon the Registrar, shall notify the parties through their Agents of the day appointed by the Court for the delivery of the judgment.

6. A respondent may within the time limited for appearance deliver to the Registrar and to the appellant a notice in writing consenting to the appeal, and the Court may thereupon if it thinks fit, make an order upon the appeal without requiring the attendance of the person so consenting.

ORDER XX.

MISCELLANEOUS.

1. The filing of an appeal shall not prevent execution of the decree or order appealed against, but the Court, may, subject to such terms and conditions as it may think fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to the Court.

2. A respondent may apply for the summary determination of appeal on the ground that it is frivolous or vexatious or brought for the purpose of delay, and the Court may make such order thereon as it thinks fit.

3. A party to an appeal who appears in person shall furnish the Registrar with an address for service and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served.

ORDER XXI.

CRIMINAL APPEALS.

Criminal appeals under Article 134 (1) (*a*) and (*b*) of the Constitution or under any other provision of law shall be lodged in this Court within sixty days from the date of the judgment, final order or

sentence appealed from and under Article 132 (i) and 134 (i) (c) within thirty days from the date of the certificate granted by the High Court.

2. The provisions contained in Order XIII in relation to applications for special leave in civil proceedings shall apply *mutatis mutandis* to applications for special leave to appeal in criminal matters.

3. The appeal shall be in the form of a petition in writing, which shall be accompanied by a certified copy of the judgment or order or sentence appealed against.

4. The appellant, if he is in jail, may present his petition of appeal and the accompanying documents to the officer-in-charge of the jail, who shall forward them to the Registrar of this Court.

5. On receipt of the petition of appeal, the Registrar shall cause notice of the appeal to be given to the Attorney-General for India or Advocate-General of the State concerned, or to both, as the case may require, and, in cases where the appeal is by the Government to the accused, and shall also furnish the Attorney-General for India and/or the Advocate-General concerned or the accused, as the case may be, with a copy of the petition of appeal.

6. The Registrar of the Court shall thereafter send a copy of the petition of appeal to the High Court concerned for its record. The High Court shall then arrange for the printing of the record in the case and for the transmission of the printed record to the Registrar of this Court with all convenient speed. In the preparation of the printed record, the High Court may include the printed paper book prepared for its own use at an earlier stage.

7. As soon as the record has been got ready, the Registrar of the High Court shall despatch to the Registrar of this Court not less than fifteen copies. In cases falling under Article 134 (i) (*a*) and (*b*) the printed record shall be despatched to this Court within a period of forty-five days after the receipt of the intimation from the Registrar of this Court of the filing of the petition of appeal.

8. In a proper case, the Court may, in its discretion, direct the engagement of an Advocate for an accused person at the cost of the Government. In such a case the engagement of an Agent may be dispensed with.

9. After the appeal has been disposed of, the Registrar of the Court shall, with utmost expedition, send a copy of the Court's judgment or order to the High Court concerned.

10. Pending the disposal of any appeal under these Rules, the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

11. So far as may be, the proceeding Orders in this Part of these Rules shall, with the necessary modifications and adaptations, apply to criminal appeals under this order:

Provided that in criminal proceedings no security for casts shall be required to be deposited, and no Court fee, process fee, or search fee shall be charged, and no copying charges shall be made except for copies other than the first, to any party to the proceedings.

PART III.

Original Jurisdiction.

ORDER XXII.

PARTIES TO SUITS.

1. Two or more plaintiffs may join in one suit in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

2. Two or more defendants may be joined in one suit against whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

3. (1) The Court may at any such stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any plaintiff or defendant improperly joined be struck out, and that the name of any plaintiff or defendant who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(2) No person shall be added as a plaintiff without his consent.

4. Where it appears to the Court that any causes of action joined in one suit cannot conveniently be tried or disposed of together the Court may order separate trials or make such other order as may be expedient.

5. Where it appears to the Court that any joinder of plaintiffs or defendants may embarrass or delay the trial of the suit, the Court may order separate trials or make such order as may be expedient.

ORDER XXIII.

PLAINTS.

1. Every suit shall be instituted by the presentation of a plaint.

2. A plaint shall be presented to the Registrar, and all plaints shall be registered and numbered by him according to the order in which they are presented.

3. Every plaint shall comply with the rules contained in Order XXVI of these Rules so far as they are applicable.

4. A plaint shall contain the following particulars :—

(*a*) the names of the plaintiff and of the defendant ;

(*b*) the facts constituting the cause of action and when it arose ;

(*c*) the facts showing that the Court has jurisdiction ;

(*d*) the declaration or relief which the plaintiff claims.

5. The plaintiff shall endorse on the plaint, or annex thereto, a list of the documents (if any) which he has produced along with it and the Registrar shall sign the list if on examination he finds it to be correct.

6. The plaint shall be rejected :—

(*a*) where it does not disclose a cause of action ;

(*b*) where the suit appears from the statement in the plaint to be barred by any law.

7. Where a plaint is rejected the Court shall record an order to that effect with the reasons for the order.

8. The rejection of the plaint shall not of itself preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

9. Where a plaintiff sues upon a document in his possession or power, he shall produce it to the Registrar when the plaint is presented and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

10. Where the plaintiff relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

11. Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

12. A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence at the hearing of the suit.

ORDER XXIV.

Issue and Service of Summons.

1. When a suit has been duly instituted a summons shall be issued to the defendant to appear and answer the claim.

2. Every summons shall be signed by the Registrar, and shall be sealed with the Seal of the Court.

3. Every summons shall be accompanied by a copy of the plaint.

4. The summons shall be served by being sent by registered post to the Attorney-General for India or the Advocate-General for the State, as the case may be, or to an agent of the defendant empowered to accept service.

5. There shall be endorsed on every summons a notice requiring the defendant to enter an appearance within twenty-eight days after the summons has been served.

6. A defendant shall enter the appearance by filing in the Registry a memorandum in writing containing the name and place of business of his Agent, if any, and in default of appearance being entered within the time mentioned in the summons, or as hereinafter provided, the suit may be heard *ex parte*.

7. The defendant shall forthwith give notice of his having entered an appearance to the plaintiff.

8. The plaintiff shall within fourteen days after the defendant has entered an appearance take out a summons for directions returnable before the Judge in Chambers, and the Judge shall on the hearing of the summons give such directions with respect to pleadings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matters as he may think expedient.

ORDER XXV.

WRITTEN STATEMENT, SET-OFF AND COUNTER-CLAIM.

1. It shall not be sufficient for a defendant in his written statement to deny generally the facts alleged by the plaintiff but he shall deal specifically with each allegation of fact or which he does not admit the truth, except damages.

2. Where a defendant denies an allegation of fact he shall not do so evasively but shall answer the point of substance.

3. Each allegation of fact in the plaint, if not denied specifically or by necessary implication, or not expressly stated to be not admitted in the pleading of the defendant, shall be taken to be admitted, but the Court may in its discretion require any fact so admitted to be proved otherwise than by such admission.

4. Where the defendant claims to set off against a demand by the plaintiff any ascertained sum of money, he may in his written statement, but not afterwards without the leave of the Court, state the grounds of his claim and the particulars of the debt sought to be set off.

5. The written statement containing the particulars mentioned in the last preceding rule shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of the set-off.

6. The rules relating to a written statement by a defendant shall apply to a written statemeut by a plaintiff is answer to a claim of set-off.

7. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off shall be presented except by the leave of the Court and upon such terms as the Court may think fit, but the Court may at any time require a written statement or additional written statement from any of the parties and may fix a time for presenting the same.

8. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him, or make such orders in relation to the suit as it thinks fit.

9. The defendant, in addition to his right of pleading a set-off, may set up by way of counter-claim against the claims of the plaintiff any right or claim in respect of a cause of action accruing to him either before or after the filing of the suit but before he has delivered his defence and before the time limited for delivering his defence has expired, whether that counter-claim sounds in damages or not, and the counter-claim shall have the same effect as a cross-suit, so as to enable the Court to pronounce a final judgment in the same suit, both on the original claim and on the counter-claim.

10. The Court may if it is in the opinion the counter-claim cannot be disposed of in the pending suit or ought not to be allowed, refuse permission to the defendant to avail himself thereof, and require him to file a separate suit.

ORDER XXVI.

Pleadings Generally.

1. In this Order "pleading" means plaint or written statement.

2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies, but not the evidence by which those facts are to be proved, nor any argumentative matter, and shall be divided into paragraphs numbered consecutively.

3. Dates, sums and numbers shall be expressed in figures.

4. A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading may in all cases be ordered, upon such terms, as to costs and otherwise, as may be just.

5. Wherever the contents of any document are material, it shall be sufficient to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

6. Every pleading shall be signed by, or by an Advocate on behalf of, the Attorney-General for India or by, or by an Advocate on behalf of, the Advocate-General for the State, as the case may be.

7. The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice or embarrass or delay the trial of the suit, or which contravenes any of the provisions of this Order.

8. The Court may at any stage of the proceedings allow either party to amend his pleadings in such manner and on such terms as may be just, but only such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties.

9. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time or of such fourteen days, as the case may be, unless the time is extended by the Court.

10. Amendments of pleadings made only for the purpose of rectifying a clerical error may be made on an order of the Registrar without notice, but unless otherwise ordered a copy of the order shall be served on all other parties.

ORDER XXVII

Discovery and Inspection

1. Order XI of the First Schedule to the Code shall apply with respect to discovery and inspection in suits instituted before the Court, except rules 5 and 23 of that Order.

2. Where the Court has made an order allowing one party to deliver interrogatories to other, those interrogatories shall be answered by such persons as the Court may direct.

3. No application for leave to deliver interrogatories shall be made by the defendant until after he has filed his written statement.

4. After an order has been made for the delivery of interrogatories one set of the interrogatories, as allowed, shall be annexed and served with the order upon the person to be interrogated.

5. The Court may, for sufficient reason, allow any affidavit to be sworn, on behalf of the party from whom discovery, production or inspection is sought, by any person competent to make the same.

6. Where any document is ordered to be deposited in Court a copy of the order and a schedule of the document shall be left in the Registry at the time when the deposit is made.

7. When the purpose for which any documents have been deposited in Court is satisfied, the party by whom they were deposited may, pending the suit, have them delivered out to him, if he has the consent in writing of the other party, or an order of the Court.

ORDER XXVIII

ADMISSIONS

Order XII in the First Schedule to the Code with respect to admissions shall apply.

ORDER XXIX

SUMMONING AND ATTENDANCE OF WITNESSES

1. The provisions of sections 28 and 32 of the Code shall apply to summonses to give evidence or to produce documents under these Rules.

2. Order XVI in the First Schedule to the Code with respect to the summoning and attendance of witnesses shall apply, with the exception of the proviso to sub-rule (3) of rule 10; and the words "(a) within the local limits of the Court's ordinary original jurisdiction, or (b) without such limits but" in rule 19.

ORDER XXX

ADJOURNMENTS

Order XVII in the First Schedule to the Code with respect to adjournments shall apply, with the substitution in rule 2 of the words "in such manner as it thinks just" for the words "in one of the modes directed in that behalf by Order IX, or make such other order as it thinks fit".

ORDER XXXI

HEARING OF THE SUIT

1. Rules 1, 2, 3, 16, 17, and 18 and of Order XVIII in the First Schedule to the Code with respect to the hearing of suits and examination of witnesses shall apply.

2. Witnesses in attendance shall be examined orally in open Court and their evidence taken down in shorthand in the form of question and answer by such officers of the Court as may be appointed for the purpose.

3. The transcript of the shorthand note shall be signed by the officer recording the note and shall be deemed the deposition of the witness and shall form part of the record.

4. The party to any suit or matter in which the evidence has been taken in shorthand, and the witness whose evidence has been taken, shall be entitled upon payment of the prescribed fee to be furnished with a certified copy of the transcript.

ORDER XXXII

WITHDRAWAL AND ADJUSTMENT OF SUITS

1. Rules 1, 2 and 3 of the Order XXIII in the First Schedule to the Code with respect to the withdrawal and adjustment of suits shall apply.

2. No new suit shall be brought in respect of the same subject-matter until the terms or conditions, if any, imposed by the order permitting the withdrawal of a previous suit or giving leave to bring a new suit have been complied with.

ORDER XXXIII

PAYMENT INTO COURT

Order XXIV in the First Schedule to the Code with respect to payment into Court shall apply.

ORDER XXXIV

SPECIAL CASE

Rules 1, 3 and 5 of Order XXXVI in the First Schedule to the Code with respect to procedure by way of Special Case shall apply, except the words "which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement" in sub-rule (1) of rule 3, the words "claiming to be interested as plaintiff or plaintiffs" to the end of sub-rule (2) of rule 3; and the words "and upon the judgment so pronounced a decree shall follow" in sub-rule (2) of rule 5.

PART IV.

ORDER XXXV

APPLICATIONS FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS

(Article 32 of the Constitution)

Habeas Corpus

1. An application for a writ of *Habeas Corpus* shall be filed in the Registry and shall be accompanied by an affidavit by the person restrained, stating that it is made at his instance and setting out the nature and circumstances of the restraint:

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other person, which shall state the reason why the person restrained is unable to make the affidavit himself.

2. The application shall be heard by a Division Court, except in vacation, when it may be heard by a Single Judge.

3. If the Court is of opinion that a *prima facie* case for granting the application is made out, a rule *nisi* shall be issued calling upon the person or persons against whom the order is sought, to

appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

4. On the return day of such rule or on any day to which the hearing thereof may be adjourned, if no cause is shown or if cause is shown and disallowed, the Court shall pass an order that the person or persons improperly detained shal lbe set at liberty. If cause is allowed, the rule shall be discharged. The order for release made by the Court, or the Judge, shall be a sufficient warrant to any gaoler, public official, or other person for the release of the person under restraint.

5. In disposing of any such rule, the Court, may in its discretion make such order for costs as it may consider just.

MANDAMUS, PROHIBITION, *CERTIORARI, QUO WARRANTO* ETC.

6. An application for direction or order or writ in the nature of mandamus, prohibition, *certiorari quo warranto* shall be filed in the Registry and shall be accompanied by a statement setting out the name and description of the applicant, the relief sought and the grounds on which it is sought, and by an affidavit verifying the facts relied on, and at least six copies of the said statement and affidavit shall be lodged in the Registry of the Court. The application shall be made by notice of motion.

7. Such application shall be heard by a Division Court, except in vacation, when it may be heard by a Single Judge. Unless the Court otherwise directs, there shall be at least eight clear days between the service of the notice of motion and the day named therein for the hearing of the motion.

8. Copies of the said statement shall be served with the notice of motion and every party to the proceedings shall supply to any other party, on demand and on payment of the proper charges, copies of the said affidavits.

9. The notice shall be served on all persons directly affected, and on such other persons as the Court may direct:

Provided that on the hearing of any such motion, any person who desires to be heard in opposition to the motion and appears to

the Court to be a proper person to be heard shall be heard, notwithstanding that he has not been served with the notice of motion and shall be liable to costs in the discretion of the Court if the order shall be made.

10. The Court may in such proceedings impose such terms as to costs and as to the giving of security as it thinks fit.

PART V.

ORDER XXXVI

SPECIAL REFERENCE UNDER ARTICLE 143 OF THE CONSTITUTION.

1. On the receipt by the Registrar of the order of the President referring a quesion of law or fact to the Court, the Registrar shall give notice to the Attorney-General for India to appear before the Court on a day specified in the notice to take the directions of the Court as to the parties who shall be served with notice of the Special Reference, and the Court may, if it considers it desirable, order that notice of the Special Reference shall be served upon such parties as may be named in the order.

2. The notice shall require all such parties served therewith as desire to be heard at the hearing of the Special Reference to attend before the Registrar on the day fixed by the order to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.

3. Subject to the provisions of this Order, the procedure on a Special Reference shall follow as nearly as may be the procedure in proceedings before the Court in the exercise of its original jurisdiction, but with such variations as may appear to the Court to be appropriate and as the Court may direct.

4. After the hearing of the Special Reference, the Registrar shall transmit to the President the Report of the Court thereon.

5. The Court may make such order as it thinks fit as to the costs of all parties served with notice under these Rules and appearing at the hearing of the Special Reference.

PART VI

ORDER XXXVII

REFERENCES UNDER ARTICLE 317 (1) OF THE CONSTITUTION.

1. On receipt by the Registrar of the order of the President referring to the Court a case for inquiry under Article 317 (1) of the Constitution, the Registrar shall give notice to the Chairman or member of the Public Service Commission concerned and to the Attorney-General for India or the Advocate-General of the particular State to appear before the Court on a day specified in the notice to take the directions of the Court in the matter of the inquiry. A copy of the charges preferred against him shall be furnished to the respondent along with the notice.

2. The Court may summon such witnesses as it considers necessary.

3. After the hearing of the Reference, the Registrar shall transmit to the President the Report of the Court.

4. No court-fees or process fees shall be payable in connection with any reference dealt with by the Court under this Order.

PART VII

ORDER XXXVIII

REVIEW.

1. The Court may review its judgment or order, but no application for review will be entertained except on the grounds mentioned in Order XLVII, rule 1, of the Code.

2. An application for review shall be filed with the Registrar, within thirty days after judgment is delivered in the appeal, cause or matter. It must briefly and distinctly state the grounds for review, and be accompanied by a certificate of counsel that it is supported by proper grounds.

PART VIII

ORDER XXXIX

COSTS.

1. Subject to the provisions of any Statute or of these Rules, the costs of and incidental to all proceedings shall be in the discretion of the Court.

2. Where it appears that the hearing of any suit or matter cannot conveniently proceed by reason of the neglect of the Agent of any party to attend personally, or by some proper person on his behalf, or of his omission to deliver any paper necessary for the use of the Court which ought to have been delivered, the Agent shall personally pay to all or any of the parties such costs as the Court may think fit to award.

ORDER XL

TAXATION.

1. The Registrar, or such other officer as the Chief Justice may appoint for the purpose, shall be the Taxing Officer of the Court.

2. The Taxing Officer shall, in the absence of any specific provisions in these Rules, be guided by the Rules and practice of the Supreme Court in England.

3. The Taxing Officer shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.

4. The Court may, in any proceedings where costs are awarded to any party, direct payment of a sum in gross in lieu of taxed costs, and may direct by and to whom that sum shall be paid.

5. Where in the opinion of the Taxing Officer the maximum fee allowed by these Rules is insufficient or a fee ought to be allowed for any matter not provided for in these Rules, he may refer the matter to the Court and the Court may make such order thereon as to the allowance of the whole or any part of the amount proposed by the Taxing Officer as it thinks fit.

6. Where the Taxing Officer is of opinion that any costs have been injuriously or unnecessarily occasioned by the negligence or improper conduct of any Agent, he shall not allow any charge for the same without the leave of the Court.

7. The Taxing Officer shall without delay bring to the notice of the Court any wrong charge which appears to him to have been wilfully made in any bill of costs.

8. In all cases of taxation as between party and party, the bill shall be lodged for taxation as between party and party and, unless the client expresses his desire to the contrary in writing, also as between Agent and client.

9. Every bill of costs lodged for taxation shall specify the exact number of folios contained in the bill lodged.

10. Every bill of costs shall be properly dated throughout and shall show in a column for the purpose the money paid out of pocket.

11. Every bill of costs shall be certified by the signature of the Agent from whose office it is issued.

12. The fees for taxation and registration of every bill of costs shall be paid in court-fee stamps when the bill is lodged for taxation.

13. Every bill of costs shall, wherever possible, be accompanied by vouchers, and every item of disbursement and the cause thereof shall be distinctly specified, and no payment out of pocket shall be allowed except on production of the necessary voucher, or in the case of Advocate's fees, without the signature of the Advocate that the fee has been paid.

14. Within three weeks from the date of the signing of the decree or order awarding costs, or within such further time as the Taxing Officer may for good cause allow, the party to whom the costs have been awarded shall leave in the Registry an office copy of the decree or order, and shall lodge therein the bill of costs and vouchers, and the Taxing Officer shall thereupon issue a summons fixing a date for the taxation.

15. The party having the charge of the bill shall, within two weeks of the issue of the summons above-mentioned, or within such further period as the Taxing Officer may for good cause allow, file in the Registry an affidavit of service of such summons. In default

of the filing of such affidavit within the time aforesaid or within the further period allowed by the Taxing Officer, the Taxing Officer may return the bill and vouchers, and shall not thereafter receive or tax the bill except by order of the Court:

Provided that where the Taxing Officer is satisfied that the party having the charge of the bill has made all reasonable efforts to have the summons served and has failed, the Taxing Officer may dispense with such affidavit, and may receive and tax the bill.

16. In cases of taxation as between Agent and client where the fees are payable by the client personally or out of a fund belonging entirely to him the Taxing Officer shall allow, as fees to Advocates, all sums actually paid, but not exceeding those set out in the Second Schedule to these Rules, unless the written consent of the client is produced.

17. Where an Agent acts for different parties to the same suit, appeal or matter, only one set of attendances shall be allowed, unless the Court otherwise orders.

18. Where on the taxation of a bill of costs payable out of a fund or out of the assets of a company in liquidation, the amount of the professional charges and disbursements contained in the bill is reduced by a sixth part or more, no costs shall be allowed to the Agent lodging the bill for taxation for drawing or copying it, nor for attending the taxation.

19. Where on taxation of an Agent's bill of costs as between Agent and client, the amount of the bill is reduced by a sixth part or more, the Agent shall pay the costs of taxation including the cost of the Agent (if any) employed in contesting the bill and the same shall be deducted by the Taxing Officer; but the Taxing Officer may certify any special circumstances relating to the bill or taxation and the Court may upon application by the Agent whose bill has been taxed make any such order as the Court may think just and equitable with respect to the costs of the taxation.

20. The Agent for each party shall be personally responsible to the Court for the payment of the fees for transcribing the deposition of witnesses examined on behalf of his client and for filing exhibits put in.

21. No fees shall be payable by a pauper to his Advocate or Agent nor shall any such fees be allowed on taxation of costs against the party, unless by order of the Court.

22. So Court fees shall be payable by an applicant to proceed *in forma pauperis.*

23. In the taxation of costs as between party and party, the costs of and incidental to the attendance of an Advocate on summons or other matters in Chambers shall not be allowed unless the Court certifies that it was a fit case for the employment of an Advocate.

24. An Agent who has furnished a copy of a document made for the purposes of a suit or appeal or other proceeding to the other party or his Agent on payment of half or other due proportion of the translation charges shall also be entitled to charge in his bill a fee of 10 annas per folio for such copy.

25. Unless specially allowed by the Taxing Officer, no allowance shall be made for any work done before commencement of proceedings in the Court, except for a letter before suit, and instructions to sue, appeal or defend.

26. In every case of taxation as between Agent and client, the client shall be duly summoned by the Taxing Officer to attend the taxation, unless the Taxing Officer shall see fit to dispense with his attendance.

27. No retaining fee to an Advocate shall be allowed on taxation as between party and party.

28. Where in any case it is necessary for an Agent to employ a legal practitioner beyond the limits of the State of Delhi, the Taxing Officer may allow such sum for the costs of that practitioner and of instructing him as the Taxing Officer may think reasonable.

29. Any party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of the items in a bill of costs may apply to the Taxing Officer to review the taxation in respect thereof.

30. An application to review shall be made within a week from the date of the passing of the bill in the Taxing Office, and four days' notice thereof shall be given to the other party.

31. Objections in writing specifying concisely therein items or parts of the bill objected to and the grounds for the objections shall be served with the notice on the other party and a copy thereof shall at the same time be carried in before the Taxing Officer.

32. Objections which were not taken in at the time of the taxation shall not be taken in at the stage of review, unless allowed by the Taxing Officer.

33. The Taxing Officer may, where he thinks fit, issue, pending the consideration of any objections, a preliminary allocatur for or on account of the remainder of the bill of costs.

34. Upon application to review the Taxing Officer shall reconsider his taxation upon the objections carried in and may, where he thinks fit, receive further evidence in respect thereof, and shall state in a certificate the grounds of his decision thereon and any special facts or circumstances relating thereto.

35. Any party dissatisfied with the decision of the Taxing Officer may not later than seven days from the date of the decision, or within such further time as the Taxing Officer or the Court may allow, apply to the Court for an order to review the decision of the Taxing Officer and the Court may thereupon make such order as may seem just.

36. No evidence shall be received by the Court upon the review of the Taxing Officer's decision which was not before the Taxing Officer when he taxed the bill or reviewed his taxation unless the Court otherwise directs.

37. The certificate of the Taxing Officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the costs covered thereby, and the Court may make such order in relation thereto, as it thinks fit, including, in a case where the retainer is not disputed, an order as between Agent and client that judgment be entered for the sum certified to be due with costs.

38. Except as otherwise specially provided in these Rules, or by any law for the time being in force, the Court fees to be taken in all proceedings in the Supreme Court shall be those set out in the Third Schedule to these Rules.

39. Except as otherwise specially provided in these Rules the fees set out in the Second and Fourth Schedules to these Rules may be allowed to Advocates and Agents and officers of the Court respectively.

40. The allowances to be made to witnesses per diem shall be such as the Taxing Officer may think reasonable having regard to the profession or status of the witness.

41. Where the witness is a party to the suit or matter he shall not be entitled to any allowance, except for travelling, unless he has been subpoenaed by another party to give evidence or the Court otherwise orders.

42. Witnesses residing more than five miles from the place where the Court sits shall be allowed travelling expenses according to the sums reasonably and actually paid by them and shall also be allowed such a sum for subsistence money and carriage hire as the Taxing Officer having regard to the daily allowances allowed under Rule 40, considers reasonable.

43. Every person summoned to give evidence shall have tendered to him with the summons a reasonable sum for his travelling expenses (if any) and for the first day's attendance and shall, if obliged to attend for more than one day, be entitled before giving his evidence to claim from the party by whom he has been summoned the appropriate allowances and expenses for each additional day that he may be required to attend.

44. Witnesses who have not been paid such reasonable sums for their expenses as the Court allows by its Rules may apply to the Court at any time in person to enforce the payment of such sum as may be awarded to them.

45. For the purposes of this Order, a folio shall consist of two hundred words; seven figures shall be counted as one word; and more than half part of a folio shall be reckoned as a folio.

46. If an Agent makes an agreement in writing with his client as to his remuneration in respect of any business done or to be done by him in any proceedings in this Court, the amount payable under the agreement shall not be received by the Agent until the agreement has been examined and allowed by the Taxing Officer, and if the Taxing Officer is of opinion that the amount is unfair or unreasonable he may require the opinion of the Court to be taken thereon and the Court may reduce the amount payable thereunder, or order the agreement to be cancelled and the costs covered thereby to be taxed as if the agreement had never been made.

47. Where it is necessary to enforce payment of costs under a direction of the Registrar, an order for that purpose shall be obtained from a Judge. Applications for such orders may be made, without notice, by petition supported by a certificate of the Registrar.

48. The Court may, on the application of a client or his representative in interest direct an Agent to deliver a bill of costs, order taxation of a bill, direct an Agent to deliver up any documents or papers to the possession of which the applicant may be entitled, and pass such other orders in this behalf as the circumstances of the case may require, including orders as to the costs of the application.

PART IX

Miscellaneous.

ORDER XLI.

NOTICE OF PROCEEDINGS TO THE ATTORNEY-GENERAL FOR INDIA OR ADVOCATES-GENERAL OF STATES.

1. The Court may direct notice of any proceedings to be given to the Attorney-General for India or to the Advocate-General of any State, and the Attorney-General for India or the Advocate-General to whom such notice is given may appear and take such part in the proceedings as he may be advised.

2. The Attorney-General for India or the Advocate-General of any State may apply to be heard in any proceedings before the Court, and the Court may if in its opinion the justice of the case so requires, permit the Attorney-General for India or the Advocate-General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.

ORDER XLII.

FORMS TO BE USED.

1. Every writ, summons, order, warrant or other mandatory process shall run and be in the name of the President of India and shall bear the attestation of the Chief Justice, and shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the Seal of the Court.

2. The forms set out in the Fifth Schedule to these Rules, or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used in all cases where those forms are appropriate.

ORDER XLIII.

SERVICE OF DOCUMENTS.

1. Except where otherwise provided by Statute or prescribed by these Rules, all notices, orders or other documents required to be given to or served on, any person shall be served in the manner provided by the Code for the service of a summons.

2. Service of any notice, order or other document on the Agent of any party may be effected by delivering it to the Agent or by leaving it with a clerk in his employ at his place of business.

3. Service of any notice, order or other document upon a person who resides at a place within the territory of India between which place and Delhi there is communication by registered post, may, where so directed by the Court, be effected by posting a copy of the document required to be served in a prepaid envelope registered for acknowledgment, addressed to the party or person at the place where he ordinarily resides.

4. A document served by post shall be deemed to be served at the time at which it would be delivered in the ordinary course of post.

5. Unless the Court otherwise orders, the service of any notice, order or other document shall be proved by the production of a certificate by the Registrar that appearance has been entered, or, where no appearance has been entered, by evidence showing that the notice, order or other document was served in the manner provided by the Code.

6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.

7. Service effected after Court hours shall for the purpose of computing any period of time subsequent to that service be deemed to have been effected on the following day.

ORDER XLIV.

COMMISSIONS.

1. Order XXVI in the First Schedule to the Code with respect to commissions shall apply except rules 13, 14, 19, 20, 21 and 22.

2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared, or *ex parte* where there has been no appearance.

3. The commissioner shall, if the Advocate or other person examining a witness so desires, record a question disallowed by the commissioner and the answer thereto, but the same shall not be admitted as evidence until the Court before whom the deposition is put in evidence shall so direct.

4. The Court may, when the commission is not one for examination on interrogatories, order that the commissioner shall have all the powers of a Court under Chapter X of the Indian Evidence Act, 1872, to decide questions as to the admissibility of evidence, and to disallow any question put to a witness.

5. Unless otherwise ordered the party at whose instance the commission is ordered to issue, shall lodge in the Court copies of the pleadings in the case within twenty-four hours of the making of the order and those copies shall be annexed to the commission when issued.

6. Any party aggrieved by the decision of the commissioner refusing to admit evidence or allow a question to be put may apply to the Court to set aside the decision and for direction to the commissioner to admit the evidence or to allow the question, but no such application shall be entertained if made later than seven days after the examination of the witness has been closed.

7. After the deposition of any witness has been taken down and before it is signed by him, it shall be read over and, where necessary, translated to the witness, and shall be signed by him and left with the commissioner who shall subscribe his name and the date of the examination.

8. Commissions shall be made returnable within such time as the Court may direct.

ORDER XLV

POWER TO DISPENSE AND INHERENT POWERS

1. The Court may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as it shall consider just and expedient.

2. An application to be excused from compliance with the requirements of any of the Rules shall be addressed in the first instance to the Registrar, who shall take the instructions of the Court thereon and communicate the same to the parties, but if in his opinion it is desirable that the application should be dealt with in open Court, he may direct the applicant to lodge it in the Registry, and to serve the other parties with a notice of motion returnable before the Court.

3. The Court may enlarge or abridge any time appointed by these Rules, or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.

4. The Court may at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in respect of any of the matters mentioned in rule 8 of Order.....of these Rules, may issue summonses to persons whose attendance is required either to give evidence or to produce documents, or order any fact to be proved by affidavit.

5. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

FIRST SCHEDULE

Rules as to Printing of Record

1. The Record in appeals to the Supreme Court shall be printed in the form known as Demy Quarto.

2. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

3. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter and notes. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

4. Records shall be arranged in two parts in the same volume, where practicable, *viz.*,—

Part I:—The pleadings and proceedings, the transcript of the evidence of the witnesses, the Judgments, Decrees, etc., of the Courts below, down to the Order admitting the Appeal.

Part II:—The exhibits and documents.

5. The Index to Part I shall be in chronological order, and shall be placed at the beginning of the volume.

The Index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the Index to Part I.

6. Part I shall be arranged strictly in chronological order, *i.e.*, in the same order as the index.

Part II shall be arranged in the most convenient way for the use of the Supreme Court, as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order, mixing Plaintiff's and Defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a Plaintiff's or Defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as :

(*a*) a series of correspondence, or

(*b*) proceedings in a suit other than the one under appeal ;

shall be kept together. The order in the Record of the documents in Part II will probably be different from the order of the Index, and the proper page number of each document shall be inserted in the printed Index.

The parties will be responsible for arranging the Record in proper order for the Supreme Court, and in difficult cases counsel may be asked to settle it.

7. The documents in Part I shall be numbered consecutively.

The documents in Part II shall not be numbered, apart from the exhibit mark.

8. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document in the Index, without the date.

9. Each document shall have a marginal note which shall be repeated on each page over which the documents extends, *viz.*—

PART I

(*a*) Where the case has been before more than one court, the short name of the court shall first appear. Where the case has been before only one court, the name of the court need not appear.

(*b*) The marginal note of the document shall then appear consisting of the number and the description of the documents in the Index, with the date, except in the case of oral evidence.

(*c*) In the case of the oral evidence, "Plaintiff's evidence" or "Defendant's evidence" shall appear beneath the name of the court, and then the marginal note consisting of the number in the Index and the witness's name, with "Examination," "Cross-examination" or "Re-examination," as the case may be.

PART II.

The word "Exhibits" shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the Index with the date.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the Index and in the Record), if desired, with the words "not printed" against it.

A long series of documents, such as accounts, rent rolls, inventories, etc., shall not be printed in full, unless counsel so advises, but the parties shall agree to short extracts being printed as specimens.

11. In cases where maps are of an inconvenient size or unsuitable in character, the Appellant shall, in agreement with the Respondent, prepare maps drawn properly to scale and of reasonable size, showing as far as possible, the claims of the respective parties, in different colours.

SECOND SCHEDULE.

FEES TO ADVOCATES

PART I.

		Fee on brief Not exceeding	Refresher Not exceeding
Defended Appeals, Suits and References under Articles 143 and 317(1) of the Constitution.	Senior Advocate	... 60 G.Ms.	25 G.Ms.
	Junior Advocate	... 40 G.Ms.	20 G.Ms.
	3rd Advocate (if allowed).	... 20 G.Ms.	10 G.Ms.
Undefended Appeals ...	One Advocate	... 20 G.Ms.	
Opposed motions or investigations in Court.	Senior Advocate (if allowed).	... 10 G.Ms.	No refresher unless specially allowed by the Taxing Officer.
	Junior Advocate	... 6 G.Ms.	
Opposed applications or investigations in Chambers when certified.	One Advocate	... 10 GMs.	Do
Ex parte motions or Chamber applications when certified.	One Advocate	... 3 G.Ms.	
Hearing judgment in Suits, Appeals, or References where judgment was reserved.	One Advocate	... 2 G.Ms.	
Examination of witnesses before Commissioner.	Senior Advocate	... 10 G.Ms.	7 G.Ms.
	Junior Advocate	... 6 G.Ms.	5 G.Ms.

PART II.

To Junior Advocate, for drawing pleadings	5 G.Ms.
To Senior Advocate, for settling pleadings in consultation with junior	10 G.Ms.
To Junior Advocate, for drawing petitions of appeal ...	Not exceeding 5 G.Ms.
To Senior Advocate, for settling petitions of appeal in consultation with junior (if allowed).	Not exceeding 10 G.Ms.

To Junior Advocate, for drawing appellant's or respondent's Case ...	Not exceeding 10 G.Ms.
To Senior Advocate, for settling appellant's or respondent's Case in consultation with junior.	Not exceeding 15 G.Ms.
To Junior Advocate, for drawing Special Case	Not exceeding 6 G.Ms.
To Senior Advocate, for settling Special Case in consultation with junior	Not exceeding 10 G.Ms.
To Junior Advocate, for drawing affidavits or petitions not otherwise provided for.	Not exceeding 5 G.Ms.
To Senior Advocate, for settling affidavits or petitions not otherwise provided for in consultation with junior (if allowed).	Not exceeding 10 G.Ms.
Advice on evidence	Not less than 5 nor more than 10 G.Ms.

Consultations :—

Senior Advocate	5 G.Ms.
Junior Advocate	3 G.Ms.
General Retainer	5 G.Ms.
Special Retainer	2 G.Ms.

For the purposes of this Table a Gold Mohur shall be deemed to be the equivalent of Rs. 16.

THIRD SCHEDULE.

TABLE OF COURT-FEES.

PART I.

ORIGINAL JURISDICTION.

	Rs.	As.	P.
1 Filing and registering plaint	250	0	0
2 Filing and registering written statement	50	0	0
3 Filing and registering set-off or counter-claim ...	50	0	0
4 Reply to a counter-claim	50	0	0
5 Examining and comparing documents with the original, for each folio	0	8	0
6 Reducing into writing or, where taken down in shorthand, transcribing the deposition of each witness, for each folio	0	10	0
7 Typed copies of transcript of depositions of witnesses for any party :			
first copy, per folio	0	8	0
carbon copies, per folio	0	2	0

PART II.

APPELLATE JURISDICTION.

	Rs. as. p.
1 Petition for special leave to appeal	250 0 0
2 Lodging and registering Petition of Appeal	
Where the amount or value of the subject matter in dispute is Rs. 20,000 or below that sum ...	250 0 0
For every Rs. 1,000 in excess of Rs. 20,000 ...	5 0 0 for every thousand rupees or part thereof.
In cases where it is not possible to estimate at a money value the subject matter in dispute ...	250 0

Provided :

1 that the maximum fee payable in any case shall not exceed Rs, 2,000 and

2 that where an appeal is brought by special leave granted by this Court credit shall be given to the appellant for the amount of court-fee paid by him on the petition for special leave to appeal.

3 Lodging of case, or Caveat	20 0 0
4 Application for Review of judgment of Court	Half the fee paid on the Petition of Appeal.

PART III.

MISCELLANEOUS.

	Rs. As. P.
1 Entering in register of suits, appeals or matters, names of representatives of a deceased party or of a substituted or added party	2 0 0
2 Summons or notice to defendant or his representative or a respondent to a petition or to a memorandum of appeal, for not more than five per cent (with an additional fee of Re. 1 for every person in excess of five) ...	5 0 0
3 Entering Appearance	5 0 0
4 Amending Appearance	5 0 0
5 Power of attorney to agent	3 0 0
6 Filing fee for every document for which a fee is not specially provided, including documents annexed thereto as exhibits, if any, or produced with plaint or used in evidence, each document	2 0 0
7 Every application to the Court not specially provided for ...	10 0 0
8 Every application to a Judge in Chambers, the Registrar or Taxing Officer not specially provided for ...	5 0 0
9 Every requisition to draw up an order, including fee for filing the order	5 0 0

		Rs.	A.	P.
10	Warrant, writ, summons or other process not specially provided for, for not more than five persons (with an additional fee of Re. 1 for every person in excess of five) ...	5	0	0
11	Every certificate or report of a Judge in Chambers or of Registrar on an investigation	10	0	0
12	Every other certificate for which a fee is not specially provided	3	0	0
13	Commission to examine witnesses or other commission ...	10	0	0
14	Production by an officer of the Court in any other court or before a Commissioner of records of any suit, matter or appeal, exclusive of travelling expenses ...	10	0	0
15	For production of records by post, exclusive of postage, registration and insurance fees	5	0	0
16	For every attendance on parties or their agents inspecting books and papers in Court	5	0	0
17	For enquiry into sufficiency of security ...	8	0	0
18	For every search or examination of records ...	3	0	0
19	Every affidavit affirmed or sworn ...	2	0	0
20	For every oath or affirmation administered to witness ...	3	0	0
21	Every exemplification of decree or other document in addition to the folio and other charges	10	0	0
22	Every requisition for duplicate or other copy of any document	1	0	0
23	For duplicate and other copies of any document, per folio less requisition fee paid	0	10	0
24	For amending pleadings or other proceedings under order of the Court, per folio	2	0	0
25	Upon all moneys or securities paid to the Registrar or deposited with him	A commission of 1 per cent and 2½ per cent on interest drawn on invested money.		
26	Every requisition for translation ...	1	0	0
27	Every written translation, per folio, less requisition fee paid	2	0	0
28	Summons by Taxing Officer	3	0	0
29	Certificate by Taxing Officer	2	0	0
30	Taxing each bill, not exceeding 10 folios ...	10	0	0
31	For every other folio	1	0	0
32	Registering every bill of costs	1	0	0
33	Special certificate of allowance where required ...	8	0	0
34	Certificate on review of taxation	10	0	0
35	For every certificate of funds in Court ...	8	0	0

N. B.—In the case of References under Article 143 of theConstitution such of the above fees as may be appropriate shall be charged.

FOURTH SCHEDULE.

FEES TO AGENTS.

	Rs.	A.	P.
1 Drawing and engrossing authority to sue, appeal or defend	2	0	0
2 Receiving instructions for special affidavits or petitions (not to be allowed for affidavit made by Agent or his clerk) ...	10	0	0
3 Drawing and engrossing affidavits, petitions and all other necessary documents (not specially provided for) exclusive of copies inserted therein up to 10 folios ...	8	0	0
Thereafter per folio	0	10	0
4 Drawing and engrossing Security Bond ...	8	0	0
5 Drawing and engrossing notice of motion and other necessary notices except notice to witnesses ...	8	0	0
6 Drawing and engrossing observations or instructions for advocate to accompany brief in interlocutory applications or for cross examination of witness on commission	8	0	0 to 12 0 0
7 Drawing and engrossing particulars of claim, set-off or counter-claim if required ...	4	0	0 to 10 0 0
8 (1) Preparing engrossment or fair copy of documents (not specially provided for) whether written or typed, first copy, per folio	0	8	0
(2) Preparing carbon copies of above, if legible, per folio ...	0	4	0
(3) Preparing lithographed or photographed copies or printed copies, per folio	0	8	0 or actual charges incurred, whichever is less.
9 Serving every necessary notice, summons to a witness or other judicial process, which may be served by Agent, when within the State of Delhi	4	0	0
When outside the State of Delhi (besides travelling expenses actually incurred) per day	8	0	0
10 Attendance on presentation of plaint or petition of appeal	10	0	0
11 Receiving, filing or depositing any papers from or in the Registry	2	0	0
12 Attendance before the Court or Judge or an officer of the Court not otherwise provided for ...	5	0	0
13 Attending application for summons to witnesses or to parties	2	0	0
14 Attending every application to the Court or a Judge in Chambers	12	0	0
15 Attending every application to Registrar, if contested ...	12	0	0
Do if uncontested ...	8	0	0
16 Attendance on client or opposite party or his agent at the office of the Agent of either party where a letter would not suffice ...	8	0	0 to 12 0 0
Where a letter would suffice	4	0	0
17 Receiving and perusing necessary letters ...	2	0	0
18 Perusing documents received from opposite party, where necessary in the discretion of the Taxing Officer, upto— ..	8	0	0
19 Attending for perusal and approval of draft orders or decrees	8	0	0
20 Attending execution of Security Bond at the Agent's house or office or at the Court House	4	0	0

		Rs.	as.	p.
21	Attending Court upon the swearing of every necessary affidavit (including attendance upon the Interpreter to have same explained)	2	0	0
22	Attendances, if necessary, inspecting documents, books and accounts, by Agent, per hour	10	0	0
	Attendances, if necessary, inspecting documents, books and accounts, by clerk, per hour	2	0	0
23	Attending searches in Registry—			
	Common	2	0	0
	Special	4	0	0 to 10 0 0
24	Attending bespeaking, obtaining and filing copies of decrees or orders in the Registry	2	0	0
25	Attending advocate, delivering brief with instructions ...	2	0	0
	Attending advocate, delivering additional briefs ...	1	0	0
26	Attending advocate, paying fee	2	0	0
27	Attending advocate, fixing time for consultation	2	0	0
28	Attendance when suit, appeal or matter or motion is on day's list for hearing—if not called on—per day ...	5	0	0
29	Attending Court to hear judgment where judgment is reserved, if advocate is not briefed	20	0	0
	If advocate is briefed	10	0	0
30	Attending taxation, by Agent, personally, per hour ...	5	0	0
31	Attending Judge in Chambers or Registrar at hearing or enquiry or on review of taxation before Taxing Officer, if advocate is not briefed, per hour	10	0	0
	Where advocate is briefed, per hour	5	0	0
32	Attending on local enquiry or commission to examine witnesses within the limits of the State of Delhi where personal attendance of Agent is required, per hour ...	12	0	0
	Where attendance by clerk is sufficient, per hour	2	0	0
	Within the limits of the State of Delhi, an additional fee for going and returning and loss of time according to distance	3	0	0 to 8 0 0
	Outside the limits of the State of Delhi, an additional fee for going and returning and loss of time, for every mile (provided the total amount shall not exceed Rs. 80 per day and Rs. 125 per day and night)	2	0	0
33	Writing necessary letters	4	0	0
34	Writing letters to witnesses, for each witness ...	2	0	0
35	Writing letter of instructions to local Agent attending examination of witness on commission, when Agent cannot attend personally	10	0	0
36	Necessary translations made at the office of Agent, per folio	0	10	0
37	Receiving instructions to sue, appeal or defend and/or counterclaim	16	0	0 to 32 0 0
38	Instructions to advocate to draw pleadings ...	20	0	0 to 50 0 0

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		Rs.	as.	p.
39	Instructions to advocate to draw interrogatories ...	8	0	0
40	Instructions to advocate to draw a special case ...	10	0	0
41	Instructions to advocate to draw Case in appeal ...	25	0	0
42	Instructions to advocate to draw petition for Special Leave to appeal	20	0	0
43	Bill of costs in defended suits, appeals or matters	10	0	0
	Bill of costs in undefended suits, appeals or matters ...	5	0	0
44	Consultations with advocate	12	0	0
45	Collecting and taking down evidence, at the discretion of the Taxing Officer	Not exceeding 100	0	0
46	Attendance at hearing of suits, appeals or matters if contested, each day	20 0 0 to 60 0 0		
	If uncontested, each day	13	0	0
47	The following costs may be allowed as between Agent and client but are not to be allowed as between party and party :			
	(1) Conference with counsel before appeal, if sanctioned or directed by client	12	0	0
	(2) Other conferences with counsel if sanctioned or directed by client	8	0	0
	(3) Expenses of Agent incurred with the sanction of client in collecting and taking down evidence and defraying expenses of witnesses other than those hereinbefore provided	Discretionary.		
	(4) Every attendance by Agent's clerk on purdah woman, or client unable to attend Court or Agent's office to obtain signatures and verifications to pleadings or proceedings required to be verified and to get affidavits sworn or affirmed, where within the limits of the State of Delhi ...	8	0	0
	Similar attendance by Agent in person, when specially directed by client	20	0	0
	(5) Every other attendance by Agent's clerk at any place other than the Court House or Agent's office or house at request of client, where attendance is within the limits of the State of Delhi	8	0	0
	Similar attendance by Agent in person where necessity is shown	20	0	0
	(6) For every attendance by Agent in person beyond the limits of the State of Delhi under either of the last two preceding clauses Agent shall be allowed for every extra mile or portion of a mile beyond such limits additional fees to cover travelling expenses and loss of time per mile (provided the total amount including fee for going and returning shall not exceed Rs. 80) ...	2	0	0
	For similar attendance by Agent's clerk, additional fees shall be allowed at half the rates allowable to Agents	...		
48	Making transcript or copying papers for the press where necessary for preparing paper book, including examination, per folio	0	10	0

49	Printing paper book	Actual cost at a reasonable rate to be allowed by the Taxing Officer.
		Rs. as. p.
50	Examining proofs, per folio	0 5 0
51	Instructions for brief (including perusing of papers) whether on final disposal at first hearing, settlement of issues, final trial or on appeals on references, on motions	Discretionary.
52	Attendance by respondent's Agent at the office of the appellant's Agent to examine the printed copy of the transcript with the official copy, for every hour or part of an hour	8 0 0

FEES TO OFFICERS OF COURT.

1	Fees of interpreter for explaining at the house of a party or any place other than the Court House, pleadings and other documents except affidavits or affirmations, where not exceeding 20 folios	8 0
	Where over 20 folios, for every 10 folios or part thereof ...	2 8
2	Fees of Registrar for taking bonds and of Commissioners for taking affidavits or affirmations at the House of a party or any place other than the Court House:	
	For the first affidavit, oath or affirmation or bond, where within the limits of the State of Delhi ...	16 0 0
	Ditto where beyond such limits ...	24 0 0
	For every affidavit, oath or affirmation or bond taken at the same time and place after the first, in the same suit appeal or matter	8 0 0
3	Fees of Commissioners for receiving affidavits, oaths, affirmations at Court House, for every affidavit, oath or affirmation	2 0 0
4	Fees of interpreter for explaining bonds, affidavits or petitions, at the house of party or any place other than the Court House.	Half the fees allowed to Registrar or Commissioner.

FIFTH SCHEDULE

FORMS.

No. 1.

SUPREME COURT OF INDIA.

(*Certificate of Enrolment of Advocate or Agent.*)

(S.C.R., Order IV.)

No .....

THIS IS TO CERTIFY that ..... has this day been admitted and enrolled [as a Senior Advocate] [as an Advocate] [as an Agent] in the Supreme Court of India.

Dated this the ..... day of ..... 19 .

Registrar.

No. 2.

SUPREME COURT OF INDIA.

Undertaking by Agent.

(S.C.R., Order No. IV, Rule 20).

I, the undersigned, do hereby declare that I will observe, submit to, perform and abide by all and every the orders, rules, regulations, and practice of the Supreme Court now in force, or hereafter from time to time to be made; and also to pay and discharge, from time to time, when the same shall be demanded, all fees, charges, and sums of money due and payable in respect of any appeal, cause or other matter in and upon which I shall appear as such Agent; and I undertake not to appear or plead before any High Court so long as my name remains upon the Roll of Agents in the Supreme Court save to the extent that I am allowed to do so as an Attorney/Solicitor under the rules of the High Court of Judicature at.....).

Dated this the day of 19 .

(Signed) ———— ————, ————

Registrar.

No. 3.

Power of Attorney to Agent.

(S.C.R., Order IV., Rule 24).

In the Supreme Court of India.

[*Appellate Jurisdiction*]
[*Original Jurisdiction*]

Appeal

Case No. of 19 ,

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]
[State of C.D.] [*Defendant*]

I (We), A.B., of [*residence and addition of place*], do hereby appoint and constitute Mr. E.F., Agent, Supreme Court, as the Agent for the aforesaid plaintiff [or appellant, defendant or respondent], to commence and prosecute (or to appear and defend) this action (appeal) on my (our) behalf, to draw and deposit money, to file and take back documents, to accept the processes of the Court, to appoint and instruct counsel, to represent me (us) in the above matter and to do all things incidental to such acting for me (us). I (We) agree to ratify all acts done by the aforesaid Agent in pursuance of this authority.

In witness whereof I (we) do hereunto set my (our) hand this the day of 19 .

(Signed) A. B.————, ————

Accepted.

Agent.

226.

No. 4.

Form of Summons for an Order in Chambers.

(S.C.R., Order V.)

In the Supreme Court of India.

[*Appellate Jurisdiction*]
[*Original Jurisdiction*]

Appeal.

Case No. of 19 .

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]
[State of C.D.] [*Defendant*]

Let all parties concerned attend before .... in Chambers at the Court House, (New Delhi,) on the day of 19 , at o'clock in the forenoon on the hearing of an application on the part of the above-named plaintiff (*or appellant, defendant, respondent as the case may be*) for an order that [*here state the precise object of the application*]

Dated this the day of 19 .

[Take notice that this summons will be attended by counsel for the applicant.

(Signed)———— ————
Agent for the plaintiff.

This summons was taken out by———— ————, Agent for the applicant.]

To
———— ———— ————,
Agent for the opposite party.

———

No. 5.

Notice of appeal from Registrars.

(S.C.R., Order V, Rule 3.)

In the Supreme Court of India.

[*Appellate Jurisdiction*]
[*Original Jurisdiction*]

Appeal

Case No. of 19 .

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]
[State of C.D.] [*Defendant*]

Take notice that the above-named plaintiff (*or appellant, respondent, defendant as the case may be*) intends to appeal against the decision of the Registrar, given on the day of (*ordering or refusing to order*) that

And further take notice that you are required to attend before the Judge in Chambers at the Court House [, New Delhi,] on the day of 19 at o'clock in the forenoon, on the hearing of an application by the said plaintiff (*or appellant, respondent, defendant as the case may be*) for an order that (*here state the order sought to be obtained*).

[And also take notice that it is the intention of the said plaintiff (*or as the case may be*) to attend by an Advocate*.]

(Signed).....

To

.....,

Agent for the above-named defendant.

Notice of Motion.

(S.C.R., Order VI, Rule 2).

In the Supreme Court of India.

[*Appellate Jurisdiction.*]

[*Original Jurisdiction.*]

Appeal

Case No. of 19

[A.B.] [*Appellant*]

[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent.*]

[State of C.D.] [*Defendant.*]

Take notice that the Court will be moved on the day of 19 , at o'clock in the forenoon, or so soon thereafter as counsel can be heard, by Mr. ....., counsel for the above-named plaintiff (*or defendant, appellant, respondent as the case may be*), that (*or for an order that, or for*) (*here state the precise object of the motion, as thus*: this action may stand dismissed for want of prosecution).

If special leave to serve the notice has been obtained add as follows:

And take notice also, that special leave to give this (if so, short) notice for the day and hour aforesaid has been obtained from the Court.

Dated this the day of 19 .

(Signed).....
Agent for the plaintiff.

To

.....,

Agent for the above-named defendant.

*The last sentence to be omitted if an Advocate is not to attend.

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No. 7.

Form of Oath by Translator.

(S.C.R., Order VII, Rule 4.)

In the Supreme Court of India.

In the matter of , a translator.

I, solemnly affirm and say that I will translate correctly and accurately all documents given to me for translation.

Dated this the day of 19 .

Before me.

Registrar.

No. 8.

Application for Production of Records.

(S.C.R., Order IX).

In the Supreme Court of India.

[*Appellate Jurisdiction.*]

[*Original Jurisdiction.*]

Appeal

Case No. of 19 .

[A.B.] [*Appellant*]

[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]

[State of C.D.] [*Defendant*]

To

The Registrar, Supreme Court of India.

Sir

Please produce the records of the within mentioned case before on (*here insert the number and title of the case of which the records are required*).

Dated this the day of 19 .

(Signed)..... ....., ...

No. 9.

Notice to parties of the day fixed for delivery of Judgment.

(S.C.R., Order X, Rule 1.)

In the Supreme Court of India.

[*Appellate Jurisdiction.*]
[*Original Jurisdiction.*]

Appeal
Case No. of 19 .

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]
[State of C.D.] [*Defendant*]

To

(*Names of parties or their Agents.*]

Take notice that the Court will deliver judgment in the above-named appeal (case) on the day of 19 , at o'clock in the forenoon, or so soon thereafter as may be convenient to the Court.

Dated this the day of 19 .

Registrar.

No. 10.

Notice to Respondent of Lodging of Appeal.

(S.C.R., Order XXI, Rule 5.)

In the Supreme Court of India.

[*Appellate Jurisdiction.*]

Appeal No. of 19 .

Appeal from the judgment (or decree or final order) of the High Court of Judicature at
Court of Tribunal

[A.B.] [*Appellant*]

Vs.

[C.D.] [*Respondent*]

To

(*Name of respondent or his Agent.*)

Take notice that an appeal from the judgment (or decree, or final order) of the High Court of Judicature at dated the of
Court 19 , in case No. (here give number of case in High Court)
or J. C's Court
was presented by the above-named appellant on the day of 19 .
and has been registered in this Court as criminal appeal No. of 19 .

Dated this the day of 19 .

Registrar.

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No. 11.

Memorandum of Appearance in person.

(S.C.R., Order XX, Rule 3.)

In the Supreme Court of India.

[*Appellate Jurisdiction.*]

Appeal No. of 19 .

[A.B.] [*Appellant*]

Vs.

[C.D.] [*Respondent*]

To

The Registrar.

Please enter an appearance for the respondent above-named in this appeal.

Dated this the day of 19

(Signed).....

Address for Service.

No. 12.

Notice to parties of the day fixed for hearing of Appeal.

(S.C.R., Order XIX, Rule 2.)

In the Supreme Court of India.
[*Appellate Jurisdiction.*]

Appeal No. of 19

[A.B.] [*Appellant*]

vs.

[C.D.] *Vs.* [*Respondent*]

To

(*Names of parties or their Agents.*)

Take notice that the above appeal is fixed for hearing on the day of 19 , and shall be taken up for hearing by the Court on that day at o'clock in the forenoon or so soon thereafter as may be convenient to the Court.

Dated this the day of 19.

Registrar.

No. 13.

Summons for Disposal of Suit.

(S.C.R., Order XXIV, Rule 1.)

In the Supreme Court of India.
[*Original Jurisdiction.*]

Case No. of 19 .

[State of A.B.] [*Plaintiff.*]

v
1 s.

[State of C.D.] [*Defendant.*]

To THE PRESIDENT OF INDIA, *i.e.*, BHARAT.

WHEREAS the abovenamed plaintiff has instituted a suit in this Court against you claiming you are hereby required to cause an appearance to be entered for you in the Registry of the Court within twenty-eight days from the service upon you of this summons, exclusive of the day of such service; and you are summoned to appear before this Court by an Advocate duly instructed by an Agent of the Court to answer the plaintiff's claim on the day the case is set down for hearing, upon which date you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case.

And you are hereby required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Witness Chief Justice of India,
the day of in the year one thousand nine hundred and

Agent:
Address:

Registrar.

No. 14.

Memorandum of Appearance through Agent.

(S.C.R., Order XVI.)

In the Supreme Court of India.
[*Appellate Jurisdiction.*]
[*Original Jurisdiction.*]

Appeal
Case No. of 19 .

[A.B.] [*Appellant*].
[State of A.B.] [*Plaintiff*].

v
1 s.

[C.D.] [*Respondent.*]
[State of C.D.] [*Defendant.*]

To

The Registrar,

Please enter an appearance for the abovenamed respondent (*or the defendant*) in this appeal case.

Dated this the day of 19 .

(Signed).....
Agent for the respondent.

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No. 15.

Notice of Appearance.

(S.C.R., Order XXIV, Rule 7.)

In the Supreme Court of India.
[*Original Jurisdiction.*]

Case No. of 19

[State of A.B.] [*Plaintiff.*]

v.s.

[State of C.D.] [*Defendant.*]

To

(*The plaintiff or his Agent*).

Take notice that appearance has been entered for the abovenamed defendant in this case.

Dated this the day of 19 .

(Signed).....
Agent for the defendant.

No. 16.

Summons for Directions.

(S.C.R., Order XXIV, Rule 8.)

In the Supreme Court of India.
[*Original Jurisdiction*].

Case No. of 19

State of A.B.] [*Plaintiff.*]

v.

[State of C.D.] [*Defendant.*]

Let all parties concerned attend, in Chambers at the Court House (New Delhi) on the day of 19 , at o'clock in the forenoon on the hearing of an application by the plaintiff for directions in this action as fallows:—[*The applicant should specifically state what he applies for, and strike out what he does not apply for.*]

Pleadings	[*Here state the directions required; as this*; That the plaintiff may be at liberty to amend his statement of claim by (*state amendments proposed*), and generally as he may be advised.]
Particulars	
Admission of documents and facts ...	
Discovery	
Interrogatories	
Inspection and production of documents...	
Inspection of real or personal property ...	
Commissions	
Examination of witnesses	
Place of trial	
Mode of trial	

Dated this the day of 19 .

Registrar.

This summons was taken out by

To Agent for the plaintiff.

Agent for the defendant.

No. 17.

Notice of payment of Money into Court.

(S.C.R., Order XXXIII)

In the Supreme Court of India.
[*Original Jurisdiction.*]

Case No. of 19 .

[State of A.B.] [*Plaintiff.*]

v
—s.
1

[State of C.D.] [*Defendant*]

Take notice that the defendant has paid into Court Rs. and says that (Rs. part of) that sum is enough to satisfy the plaintiff's claim (for and Rs. the other part of that sum is enough to satisfy the plaintiff's claim for) and admits (but denies) liability therefor.

Dated this the day of 19 .

Signed.....
Agent for defendant.
Address.

To

Agent for plaintiff,
Address.

No. 18.

Acceptance of Sum paid into Court.

(S.C R., Order XXXIII.)

In the Supreme Court of India.
[*Original Jurisdiction.*]

Case No. 19 .

[State of A.B.] [*Plaintiff.*]

v
—s
1

[State of C.D.] [*Defendant.*]

The plaintiff accepts the sum of Rs. , paid by the defendant into Court in satisfaction of the claim in respect of which it was paid in (and abandons his other claims in this action).

Dated this the day of 19 .

Signed.....
Agent for the plaintiff.
Address.

To

Agent for the defendant.
Address.

No. 19.

Notice to the Attorney-General for India of Special Reference under Article 143 of the Constitution of India.

(S.C.R., Order XXXVI.)

In the Supreme Court of India.

Special Reference No. of 19 .

In the matter of a Special Reference under Article 143 of the Constitution of India.

PRESIDENT OF INDIA, *i.e.*, BHARAT

To

The Attorney-General for India.

WHEREAS under Article 143 of the Constitution of India, the President has referred the following question (s) of law (or fact) for consideration and report to this Court :—

(*Here set out the question or questions referred.*)

Take notice that you are hereby required to appear before this Court on the day of 19 , at o'clock in the forenoon to take the directions of the Court in the matter.

Witness , Chief Justice of India, the day of in the year one thousand nine hundred and .

Registrar.

No. 20.

Notice to parties of Special Reference under Article 143 of the Constitution of India.

(S.C.R., Order XXXVI.)

In the Supreme Court of India.

Special Reference No. of 19 .

In the matter of (*here state the subject matter under reference.*)

and

In the matter of a Special Reference under Article 143 of the Constitution of India.

PRESIDENT OF INDIA, *i.e.*, BHARAT.

To

(Names of parties).

WHEREAS under Article 143 of the Constitution of India, the President has referred the following question (s) of law (or fact) for consideration and report to this Court :—

(*Here set out the question or questions referred*).

Take notice that you are hereby required if you desire to be heard to cause an appearance to be entered for you in the Registry of this Court on or before the day of 19 , and to attend on the said day at o'clock in the forenoon before the Registrar by an Agent or by an Advocate duly instructed by an Agent of the Court to take the directions of the Court with respect to statements of facts and arguments and with respect to the date of the hearing.

Witness ; Chief Justice of India the day of in the year one thousand nine hundred and .

Registrar.

No. 21

Summons to attend Taxation.

(S.C.R., Order XL, Rule 14.)

In the Supreme Court of India.

[*Appellate Jurisdiction*]

[*Original Jurisdiction*]

Appeal / Case No. of 19 .

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C. D.] [*Respondent*]
[State of C.D.] [*Defendant*]

Bill No. of 19 . { Here state the names of the parties to the bill.

WHEREAS Mr. E. F., Agent for the appellant [*or as the case may be*] has lodged a bill of costs (copy appended hereto) for taxation as between [party and party and also as between] Agent and client, notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on the day of 19 , at o'clock in the forenoon [afternoon] when you may attend the Taxing Officer in his Chambers at the Court House and contest the said bill or any items therein.

Dated this the day of 19 .

Taxing Officer.

No. 22

Certificate of Taxation

(S.C.R., Order XL)

In the Supreme Court of India.

[*Appellate Jurisdiction*]

[*Original Jurisdiction*]

Appeal / Case No. of 19 .

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]
[State of C.D.] [*Defendant*]

Bill No. of 19 . { Here state the names of the parties to the bill.

I do hereby certify that I have taxed the above bill of costs, lodged in this Court by Mr. E.F., Agent for appellant [*or as the case may be*] and do allow, as between party and party the sum of [amount in figures and words] and as between Agent and client the sum of [amount in figures and words] only. [The Agent acknowledges to have received the sum of (amount in figures and words) only from the client against this sum].

Dated this the day of 19 .

Taxing Officer.

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No. 23

Notice of Proceedings to Attorney-General for India or Advocate-General (of a State)
(S.C.R., Order XLI, Rule 1)

In the Supreme Court of India
[*Appellate Jurisdiction*]
[*Original Jurisdiction*]

Appeal / Case No. of 19 .

[A.B.] / [State of A.B.] — [*Appellant*] / [*Plaintiff*]

Vs.

[C.D.] / [State of C.D.] — [*Respondent*] / [*Defendant*]

To

The Attorney-General for India

OR

Advocate-General of a State.

Take notice that the above-named appeal/case has been filed in this Court [and is fixed for hearing on the day of 19 , and shall be taken up for hearing by the Court on that day, at o'clock in the forenoon, or so soon thereafter as may be convenient to the Court] [and shall be fixed for hearing on a suitable date of which due notice will be given to you].

As the appeal/case raises [an] important question(s) (here state briefly the question(s) involved) notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised.

Dated this the day of 19 .

Registrar.

No. 24

Affidavit of Service of Summons
(S.C.R., Order XL, Rule 15)

In the Supreme Court of India
[*Appellate Jurisdiction*]
[*Original Jurisdiction*]

Appeal / Case No. of 19 .

[A.B.] / [State of A.B.] — [*Appellant*] / [*Plaintiff*]

Vs.

[C. D.] / [State of C. D.] — [*Respondent*] / [*Defendant*]

I, of Agent for the above-named , make oath/solemnly affirm and say as follows :—

I did on the day of 19 , serve Mr. Agent for the above-named in this action [or appeal] with a true copy of the summons now produced and shown to me marked A, by leaving it, before

the hour of four in the afternoon, at the [office or dwelling house] of the said situate being the address for service in this action [or appeal] [with his clerk or his servant, or as may be there] or by posting it at the post office at in a duly registered envelope addressed to the said at , being the address for service in this section [or appeal].

Sworn at this day of 19 .
Before me
This affidavit is filed on behalf of the

No. 25

Affidavit for Service by Post.
(S.C.R., Order XL, Rule 15).

In the Supreme Court of India
[*Appellate Jurisdiction*]
[*Original Jurisdiction*]

Appeal

Case No. of 19 .

[A.B.] [*Appellant*]
[State of A.B.] [*Plaintiff*]

Vs.

[C.D.] [*Respondent*]
[State of C.D.] [*Defendant*]

I, , Agent for the above-named make oath solemnly affirm, and say as follows :—

I did serve the Agent for the above-named in this action [or appeal] [or the above-named if he has appeared in person] with the summons [or notice or other document] now produced and shown to me, marked A, by posting on the day of 19 , at (name of post office) a true copy of the said summons [or as may be] in a prepaid envelope registered for acknowledgment addressed to the said [Agent, or respondent or as may be] at , which is his address for service.

The postal acknowledgment is attached hereto.

Sworn at this day of 19 .
Before me
This affidavit is filed on behalf of the

No. 26

Writ of Commission.
(S.C.R., Order XLIV)

In the Supreme Court of India
[*Original Jurisdiction*]

State of A.B. Case No. of 19 .
[*Plaintiff*]
State of C.D. *Vs.* [*Defendant*]

PRESIDENT OF INDIA, *i.e.*, BHARAT

To

The Commissioner appointed to examine the undermentioned witnesses on behalf of

I, President of India hereby appoint you and give you full power and authority, to swear or affirm and diligently to examine on

interrogatories and *viva voce* as shall be produced before you as witness on behalf of the said in a certain case No. of now pending in the Supreme Court (wherein) and I further command you that you do at certain days and places to be appointed by you for that purpose of which reasonable notice shall be given to all parties cause the said witness [es] to come before you and then and there examine and cross-examine such witness [es] either upon oath or solemn affirmation, which we hereby give you full power and authority t administer to such witness in the form firstly specified at the foot hereof, and that you do take such examination and reduce the same into writing on paper: and when you shall have so taken the same you are to send the same before the [returnable date as given in the order for the issue of this commission] to the Registrar of the said Supreme Court closed up under your Seal together with such documents as shall be spoken to and marked exhibits and this writ.

And I further empower you to appoint, if necessary, a competent interpreter to interpret such of the proceedings under this commission as you may deem necessary to have interpreted from or into the English language. And I further command you that the interpreter employed in interpreting the depositions of the said witness [es] to be examined by virtue of this writ shall, before he be permitted to act as such interpreter as aforesaid, take the oath or affirmation lastly specified at the foot hereof which I hereby give you power and authority to administer to such interpreter. And I do lastly order that the parties to this suit do appear before you in person or by their agents or pleaders.

Witness

Chief Justice of India, the day of in the year one thousand nine hundred and

Agent for

Agent for

[Names of witnesses to be examined]

Registrar.

NOTE 1.—The Commissioner shall not be bound to execute this commission unless such a sum as he thinks reasonable be deposited with him for the expenses of executing the same and also of summoning the witnesses and defraying their travelling and other expenses.

NOTE 2.—After the deposition of any witness has been taken down, and before it is signed by him, it shall be distinctly read over, and, where necessary, translated to the witness in order that mistakes or omissions may be rectified or supplied. The deposition shall be signed by the witness and left with the Commissioner who shall subscribe his name and date of the examination.

Form of the oath or affirmation to be administered to the witness.

I swear in the presence of Almighty God [or solemnly affirm] that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Form of the oath or affirmation to be administered to the Interpreter.

I swear in the presence of Almighty God [or solemnly affirm] that I understand and speak the and English Languages, and that I will well and truly and faithfully interpret, translate and explain to the witness to be produced before the Commissioner, all questions and answers and all such matters as the Commissioner may require me to interpret and explain.

So help me God.

N.B.—The words "so help me God" are to be omitted when an affirmation is administered.

The execution of this commission appears by the Schedule hereunto annexed.

No. 27

Notice to be served with Writ of Habeas Corpus.

(S.C.R., Order XXXV)

In the Supreme Court of India.

[*If in a cause already commenced here insert the title, not otherwise*]

Whereas this Court [*or* the Honourable Mr. Justice] has granted a writ of Habeas Corpus directed to [*or* other person having the custody of *if so*] commanding him to have the body of before the said Court [*or* before a Judge in Chambers] at the Supreme Court (*New Delhi,*) immediately to undergo and receive all and singular such matters and things as the Court [*or* the said Judge] shall then and there consider of concerning him in this behalf:

Now, take notice, that you are hereby required to have the body of the said before the said Court [*or* before the said Judge as aforesaid] on the day of , 19 , at the hour of in the fore [*or* after] noon. And to make a return to the said writ. Or in default thereof, the said Court will then, or so soon after as counsel can be heard be moved for an attachment against you for your contempt in not obeying the said writ [*or if in vacation,* that application will then be made to one of the Judges of the said Court for a warrant for your apprehension in order that you may be held to bail to answer for your contempt in not obeying the said writ].

Dated the day of , 19 .

(Signed).....

Agent for

No. 28

Summons for Writ of Habeas Corpus.

(S.C.R., Order XXXV)

In the Supreme Court of India.

The Hon'ble Mr. Justice , Judge in Chambers.

Upon hearing and upon reading the affidavit of filed herein:

Let all parties concerned attend the Judge in Chambers at the Supreme Court (*New Delhi,*) on the day of , 19 ; at o'clock in the fore [*or* after] noon, to show cause why a writ of Habeas Corpus should not issue directed to to have the body of before a Judge in Chambers at the Supreme Court (, *New Delhi*) immediately after the receipt of such writ to undergo and receive all and singular such matters and things as the said Judge shall then and there consider of concerning him in this behalf.

Dated this the day of , 19 .

Registrar.

No. 29

Notice of Motion for Writ of Habeas Corpus.

(S.C.R., Order XXXV)

In the Supreme Court of India.

Take notice that the Supreme Court will be moved on the day of , 19 , or so soon after as counsel can be heard on behalf of for an order that a Writ of Habeas Corpus do issue directed to to have the body of before the Supreme Court of India at New Delhi to undergo and receive all and singular such matters and things as the Court shall then and there consider of concerning him in this behalf.

Dated this the day of , 19 .

(Signed).....,

Agent for

Address

To

.....

No. 30

Notice of adjourned application for Writ of Habeas Corpus when Court directs notice to be given.

In the matter of A.B.

And in the matter of an application for a Writ of Habeas Corpus.

Take notice that an application for the above writ was made to the Divisional Court of the Supreme Court in the above matter on the day of , 19 , when the said application was adjourned so that notice could be given to you.

Such notice is hereby given to you and the said application will be made on the sitting of the Divisional Court on day, the day of 19 , at o'clock in the fore [*or* after] noon.

Dated this the day of , 19 .

(Signed).....

Agent for ,

Address.

To

.....

By order of the Court,

P. N. MURTY,

Registrar, Supreme Court of India.

MINISTRY OF LAW

NOTIFICATIONS.

New Delhi, the 26th January 1950.

No. F. 43/50-C.—In pursuance of the provisions of clause (1) of article 76 of the Constitution of India, the President is pleased to appoint Shri Motilal Chimanlal Setalvad, Advocate, to be the Attorney-General of India with effect from the 26th January, 1950.

No. F. 43/50-C.—In exercise of the powers conferred by article 76 of the Constitution of India, the President is pleased to make the following rules for regulating the remuneration and duties of the Attorney-General of India, namely :—

1. In these rules, "Attorney-General" means the person appointed under clause (1) of article 76 of the Constitution to be the Attorney-General of India, and includes any person appointed to act as the Attorney-General of India during the absence on leave or deputation, of the permanent incumbent of the office.

2. (1) The Attorney-General shall, except during any period of absence on leave or deputation, be paid a retainer of rupees four thousand per month and an office allowance of rupees thirty-five per month.

(2) The services of a personal assistant and of a jemadar, office accommodation and telephones at his office and residence shall be provided free of cost by Government.

3. The Attorney-General will normally reside at New Delhi.

4. It shall be the duty of the Attorney-General—

(*a*) to advise the Government of India on such legal matters as are referred to him by the Government of India and to perform such other duties of a legal character as are assigned to him from time to time by the Government of India ;

(*b*) to appear on behalf of the Government of India in all cases (including suits, appeals and other proceedings) in the Supreme Court in which the Government of India is concerned ;

(*c*) to represent the Government of India in any reference made by the President to the Supreme Court under article 143 of the Constitution : and

(*d*) to discharge the functions conferred on the Attorney-General by or under the Constitution or under any other law for the time being in force.

5. For the performance of the duties mentioned in paragraph 4, the Attorney-General shall not be paid any fees other than the retainer payable under paragraph 2:

Provided that, if any costs are awarded or allowed to the Government of India in any such case, as is referred to in paragraph 4, such part of the costs as is recovered in respect of fees payable to the Attorney-General, shall be paid to the Attorney-General.

6. The Government of India may require the Attorney-General to appear in any High Court in any case in which the Government of India is concerned ; and a daily fee of sixty gold mohurs shall be payable to the Attorney-General for the days of his absence from headquarters in connection with such appearance, including the days of departure from and arrival back at headquarters.

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7. Where the Attorney-General is required, otherwise than under paragraph 6, to leave headquarters in the performance of his official duties, travelling and other allowances on the scale admissible to a Judge of the Supreme Court on tour shall be paid to the Attorney-General for journeys necessarily performed in the course of those duties.

8. The Attorney-General shall not—

(*a*) advise or hold briefs against the Government of India;

(*b*) advise or hold briefs in cases in which he is likely to be called upon to advise, or appear for, the Government of India;

(*c*) defend accused persons in criminal prosecutions without the permission of the Government of India; or

(*d*) accept appointment as a Director in any company without the permission of the Government of India.

K. V. K. SUNDARAM, *Secy.*

No. L. D. 1284—Legis. 18-49-21, dated Bangalore, the 4th March 1950.

Ordered that the accompanying Amendments to the Indian Aircraft Rules, 1937, published in the *Gazette of India*, dated February 11, 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Ministry of Communications.

New Delhi, the 2nd February 1950.

No. 10-A/1-50 (i).—In pursuance of sub-rule (2) of rule 3 of the Indian Aircraft Rules, 1937, the Central Government is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the late Department of Communications, No. 10-A/7-(i), dated the 22nd April 1947, namely :—

In the Schedules annexed to the said notification.—

(1) In the First Schedule, for all the entries after the entry relating to the Assistant Director of Licensing and Assistant Director of Training, the following entries shall be substituted, namely :—

Controller of Aerodromes	...	47, 48, 51, 52, 53, 88, 107, 108, 112, 118, 121, 132, 136.
Controller of Communications	...	119.
Aerodrome Officer Incharge of Aerodromes	...	47, 68, 136.
Controller of Aeronautical Inspection, Principal Aircraft Inspector Incharge of Inspection Offices and Senior Aircraft Inspector Incharge of Inspection Offices.		22, 24, 27, 29, 30, 32, 34, 35-A, 36, 38, 43.
Principal Aircraft Inspector and Senior Aircraft Inspector.		22, 24, 27, 29, 30, 32, 34, 36, 38, 43.
Communication Officer, Senior Technical Officer and Technical Officer in the Aeronautical Communication Organisation.		119.
Aircraft Inspectors	...	27, 29, 30, 34.
Aircraft Examiners	...	34.

(2) In the Second Schedule, after item 35, the following item shall be inserted, namely :—

"35-A. Sub-rule (3) To renew Ground of rule 61 Engineers' licences."

P. K. ROY,
Deputy Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore